The Solicitors Journal.

LONDON, OCTOBER 17, 1885.

CURRENT TOPICS.

THE LORD CHANCELLOR'S first appointment to the County Court Bench is, we believe, unexceptionable. Mr. G. B. HUGHES, the new judge of Circuit No. 11, has the reputation, among men well fitted to judge, of being a good lawyer and a man of sound judgment and experience. He will find ample scope for his abilities in the important courts so long presided over by Mr. DANIEL, Q.C.

WE ARE ONLY REPEATING what is said by everyone who attended the Liverpool meeting when we remark on the fortunate coincidence which placed Mr. ROSCOE in the chair. His address was not merely an able and instructive criticism of the leading proposals before Parliament during the last session; it indicated with statesmanlike instinct the true attitude for the legal profession at the present time, and, we may add, at all times. Nothing wiser, and certainly nothing more eloquent, has been said from the presidential chair than the words with which he concluded his striking address—"Deliberation and caution are quite as needful as energy and enthusiasm in dealing with legal reforms. We know the present evils, whilst those incident to change are not so easily recognized. By no means, however, would I, in a spirit of shrinking cowardice, postpone any well-considered and useful reform; but time is of the greatest importance in maturing opinion on such matters, and I cannot therefore regret that time has been given to us. . . . Let us, each to the best of his ability and in his appointed place, through good repute and evil repute, play his part in the great battle that is ever in progress and ever recommencing against injustice and wrong. No one who looks into the future with clear and unprejudiced eyes can, I think, fail to see that we are on the eve of changes still greater than those which have already taken place, and that it will depend very much on the spirit in which those changes are accepted by the various classes into which the nation is divided whether they shall prove a blessing or a curse. We, as a class, have exceptional power for good or for evil in all matters affecting the changes brought about by alteration of our laws and institutions; and I trust and believe that we shall use those powers with wisdom and moderation, and, in so doing, help on rather than obstruct the great work which lies before us." These words may be commended to the attention of the DUKE OF MARLBOROUGH.

TWO ANNOUNCEMENTS in Mr. ROSCOE'S address will be received with general satisfaction. The one is that the Council of the Incorporated Law Society are carrying out the course we have urged ever since the cry against solicitors began, and are "preparing a careful and elaborate paper, showing what our action has been in the past, and what our views are in the future"; and this paper is to be placed in the hands of every member of the new House of Commons and others interested. No better step can be taken to correct the views which are so widely current. The other announcement is that the Chancery Chambers Committee have at last presented their report, and that the subjects covered by the recommendations of the Council of the Incorporated Law Society have been dealt with, and—what is more important—dealt with, in Mr. ROSCOE'S opinion, "in a reasonable and satisfactory manner." The recommendations of the council, it will be remembered, were briefly as follow:—That it was undesirable to alter the present practice of assigning causes to particular judges; that it was very desirable in many cases that one judge should have cognizance of the proceedings from beginning to end; that each judge should sit one whole day in each week in chambers to hear all matters adjourned from the chief clerks, and that counsel should be permitted to attend, and in the event of such matters being adjourned into court, that they should be heard *pari passu* with petitions; that the present staff of judges and chief clerks is quite insufficient to keep down the work in this branch of the court, and that the appointment of an additional judge, with an adequate staff of chief clerks and assistants, is greatly needed; and that an addition to the staff of the taxing masters is necessary. And on the assumption that an adequate addition is made to the staff of chief clerks and their assistants, the council made the following further recommendations:—(*a.*) That the costs of proceedings originating in chambers should be taxed by the chief clerks; (*b.*) that orders made in the following cases in the chambers of the Chancery Division be drawn up by the chief clerks:—(1) Discovery; (2) practice generally—as, for instance, orders for service out of the jurisdiction or dispensing with service, orders for appointment of examiners and guardians, and orders in maintenance cases where funds in court are not being dealt with; (3) orders for payment of purchase-money into court, if these orders are retained at all, which appears to be quite unnecessary; (4) procedure under the Vendors and Purchasers Act; (5) under the Conveyancing Act, 1881; (6) under the Settled Land Act, 1882; (7) administration generally; (8) under order 55, limited administration. That all interlocutory motions should be set down in a list for hearing when notice of motion is served, but that this should not prevent a judge from hearing urgent motions not in the list.

THE ONLY FAULT that can be found with Mr. ROSCOE'S address is, that it failed to deal with the question of land law reform. The omission was, however, supplied by the paper which was read on this subject, and the important discussion which ensued. Mr. JOHN HUNTER, who certainly cannot be accused of want of acquaintance with his subject, formulated a scheme of reform which for boldness and originality has probably not hitherto been surpassed. He throws overboard the notion of registration of title, and proposes to accomplish the object of rendering transactions in land in the future simple and inexpensive by abolishing the differences created by law between real and personal estate. He would prohibit, for the future, the creation of any legal estate in land except fee simple estates and terms of years certain; would give the legal owner of the fee absolute power of dealing with the land discharged from trusts; and would provide that Crown debts, succession duty, dower, and estates by curtesy should not affect lands in the hands of a purchaser. He would, of course, also provide for the vesting of the legal estate in the executors or administrators of the owner on death; would shorten the period of limitation in relation to land to six years, repeal the Statute of Elizabeth against fraudulent conveyances, and apply to deeds the canon of construction contained in section 28 of the Wills Act. This done, he would establish a register of deeds in which memorials containing date, names of parties, parcels, and *habendum* should be entered, and would provide that no deed, will, charge, or proceedings intended to affect land should affect the legal estate unless and until registered; equitable owners being enabled to enter *caveats* to prevent dealings without notice to them. In the course of the subsequent discussion, these proposals appear to have received high qualified sanction, but did not meet with general approval. No doubt most of Mr. HUNTER'S conveyancing hearers were too much startled with the sweeping nature of his proposals, and with the fact of their promulgation by a Lincoln's-inn lawyer, to be able to devote much calm

consideration to them. But, without at all pledging ourselves to Mr. HUNTER's suggestions, we do not hesitate to express the conviction we have long entertained that, if land transfer is to be facilitated and rendered inexpensive, the way to do it is to advance to some extent on the general line indicated by him, of assimilating the law of real property to that of personal property. And, if one thing is more clear than another, it is that no scheme for cheapening and facilitating land transfer can accomplish its object unless the plan of severing equitable interests and charges from the land and attaching them to the proceeds of sale, is adopted. But here comes in the difficulty, which neither Mr. HUNTER nor any one else, so far as we know, has yet solved—the difficulty, namely, of insuring proper protection for such interests and charges, while not delaying or embarrassing the transfer of the land. You must necessarily admit a system of *caveats*, at least to the extent indicated by Mr. HUNTER, of enabling the equitable owner to have notice of any dealing with the land, but, if you once admit this system, how are you going to guard against the delay and expense attending the removal of these *caveats?*

ON THIS SUBJECT we print elsewhere the letter of a valued correspondent, which arrives most opportunely with regard both to Mr. HUNTER's paper and to our observations on this subject last week. It appears that, in the State of Iowa, there is a complete system of registration of titles to real estate, and our correspondent had recently to carry through a purchase of land in that State. He tells us that he found no difficulty in getting a conveyance of the legal estate, but, before completion, there came a process poetically described as the "removal of the clouds"—that is to say, the getting in of incumbrances and outstanding estates. The process of "waiting till the clouds rolled by" involved most vexatious delay, and the costs of conveyance ultimately exceeded the scale fee in England. It is true that most of these costs fell on the vendor, but what both Mr. HOLT and other writers on the subject forget is that, to accomplish the object of promoting the transfer of land, you must make such transfer cheap both to the vendor and to the purchaser. Simple shifting of costs from the purchaser to the vendor would be a ridiculous result of land transfer reform. We do not say that the difficulty to which we have above referred is insuperable, but we do say that it is the one point to which the advocates of any system of registration of title would do well to direct their careful attention.

WE OBSERVE that Mr. J. S. RUBENSTEIN, in a paper read by him at the Liverpool meeting, attempted to revive a notion which we really supposed was, by this time, extinct. He suggested "whether the interests of solicitors are sufficiently studied by any of the existing legal journals, and whether, if not, this society should not, on behalf of solicitors, acquire an interest in, or establish closer relations with, some legal journal, and make it the recognized organ of our branch of the profession." And he proceeded to complain that "important meetings of our society pass without a word of comment." We venture to think our readers will consider that a more unjust accusation was never uttered. Our legal contemporaries are quite able to defend themselves, but as regards this journal it is unnecessary to do more than refer to any recent volume to demonstrate that in these pages the interests of solicitors are not neglected. The meetings, on the neglect of which Mr. RUBENSTEIN founds his only specific charge, were not commented on because they offered no subject of general interest and suggested no remark except deep regret that, as Mr. ROSCOE said at Liverpool, "the graver interests of the society and of the profession are sacrificed or neglected, whilst valuable hours are lost in discussing the form of accounts, the substantial accuracy of which no one doubts, and minor matters of that kind." And as regards Mr. RUBINSTEIN's suggestion that the Incorporated Law Society should "acquire an interest in, or establish close relations with, some legal journal," we think it needs very little common sense to see that a journal which maintains a position independent of, though not unfriendly to, the authorities in Chancery-lane is more likely to serve the interests of the profession than a journal which is under their control. If Mr. RUBINSTEIN's knowledge of the affairs of the profession had been of longer date he might have remembered the part which this journal took in suggesting and promoting the fundamental and invaluable reform in the society which was accomplished in 1872—3, and he might, perhaps, have been led to doubt whether that reform would have been carried out if this journal had been then under the control of the council. While yielding to no one in our appreciation of the admirable work done by the governing body of the society, we have never hesitated to criticize their action when it seemed to be opposed to the true interests of the profession, and if the council could be conceived to be capable of adopting Mr. RUBINSTEIN's remarkable suggestion, they will have to go elsewhere to hire a paper.

THE SERVICE FRANCHISE.

THERE has been a good deal of discussion in the revision courts and the newspapers with regard to the so-called "service franchise." Considerable dissatisfaction has been expressed with decisions by revising barristers, excluding from the franchise the *employés* of large business firms who are boarded on premises kept by their employers for the purpose. It seems to us that in the course of the discussion on the subject there has been a great deal of very loose reasoning, and very little attention has been paid to the history of the legislation relating to the franchise, and the principles which must govern its interpretation. It is idle, as it appears to us, to argue that drapers' assistants are often very intelligent persons, and quite as fit to exercise the franchise as agricultural labourers. It is difficult to conceive of any legal basis for the franchise, except manhood suffrage, that will not exclude some class as likely to be fit for its exercise as some who possess it. The term "service franchise" is an unfortunate and inappropriate one, which appears to have introduced a great deal of confusion of thought on the subject, some people almost seeming to think that the service is an element of the qualification. Of course it is not within our province to discuss the question of the proper basis of the franchise from any but a legal point of view. We fear very much, however, lest some ill-considered attempt may be made at legislation with a view to meeting a particular grievance, without considering how far such legislation may be consistent with the general law on the subject, or how far it may be possible, upon the existing basis of the franchise, to provide for the very undefinable class supposed to be aggrieved.

We propose to make a few remarks, in the first instance, with regard to the question as raised under the existing legislation. Some persons who have rushed into print on the subject would seem almost to have forgotten that the basis of the franchise in question is the occupation of a dwelling-house. The whole discussion is a curious illustration of the difficulty that arises in legal and legislative matters from providing that a word shall mean and include what it does not in truth mean and include. The consequence may be that the original basis of legislation is ultimately so far departed from, though professedly preserved, that the law gets into a state of great absurdity and uncertainty. Of course the word "house" is not a term of art, nor is the thing precisely definable, and therefore some difficulty there always has been on the question, What constitutes a house for the purpose of the franchise? Originally it was held that, in order to constitute a house, though it was not necessary that there should be complete vertical severance from any other house, yet some structural severance, making the part of the building so severed structurally similar in its character to a separate dwelling-house as it usually exists, was necessary. There was much difference of opinion whether, under the Act of 1867, it still continued necessary that there should be a structural severance; but since the Act of 1878 it has undoubtedly been the law that no structural severance is necessary, and that even one room, if occupied separately as a dwelling, is, for the purposes of the inhabitant occupier's qualification, a dwelling-house. It seems to us that this is a most unfortunate mode of legislation, though it no doubt was rendered necessary, to a great extent, by political exigencies. If the occupation of a "room" is a proper basis of the franchise, it would be far better to say so at once than to say that a room shall be considered a house if occupied in a very undefinable manner. The difficulty

inherent in this sort of legislation was very speedily illustrated by the questions that arose as to the true limits of the householder and lodger franchise respectively. As we pointed out at the time, the really absurd result is produced that a man who occupies a room worth £9 a year is not qualified if the man who lets it him sleeps in the house; but a man who occupies a room worth, say, £5 a year, is qualified if the man who lets it him lets off all the other rooms in the house.

Such being the history of the growth of the law on the subject, it is necessary to consider how the service franchise came to exist. The hardship to meet which the so-called service franchise was created was one that was familiar to all revising barristers. It often happened that a claimant possessed in the fullest sense all the substantial characteristics of a householder upon which the right to, and fitness for, the franchise might be supposed to depend, except for the fact that he did not occupy as a tenant, but as a servant. Such cases were those of a farm bailiff or other servant employed on a farm who occupied a house of his employer's; a station-master living at a house provided by the railway company at the station; a manager and *employés* of a concern residing in dwelling-houses in connection therewith; a coachman or game-keeper occupying a separate dwelling-house belonging to the master. These persons were excluded from the franchise because they did not, in contemplation of law, occupy as tenants. To meet this class of cases it was provided that such persons should be treated, for the purpose of the franchise, as if they occupied as tenants. The basis of their franchise is still, however, it must be remembered, inhabitant occupancy of a dwelling-house.

It is quite obvious that the case of the *employés* we are considering is altogether different, in its essential characteristics, from such cases as these. They have not in any sense, as it seems to us, the substantial characteristics of householders. A single room may, no doubt, be, for the purposes of the franchise, a dwelling-house, if it is occupied as such; but we assert that, as the law now stands, the basis of the franchise in question is the occupation of a dwelling-house. The *employé* in question cannot, we take it, be said to occupy his bedroom after the manner of a dwelling-house, if there is any meaning or force in words at all. A room may be a dwelling-house if it is a man's independent establishment, his "castle," of which he is the *dominus* for the time, to however speedy dispossession he may be liable. But a room occupied, by the terms of the arrangement, express or implied, merely as a bedroom in a house, other parts of which are used by the occupier of the bedroom for purposes usually included in the user of a dwelling—such as taking meals—cannot be said, to our thinking, to be occupied as a dwelling-house, and in all these cases one cannot help thinking it would turn out that a control was exercised or exerciseable over the occupation of the bedroom, that the furniture was provided, and the room was looked after by the employer or his representative. If the occupation of these *employés* is the occupation of a dwelling-house, then every inmate of a boarding-house is entitled, as it seems to us, to the franchise as an inhabitant occupier of a dwelling-house. It appears to us that such a result would be an absurdity.

Turning from the question as it stands under the existing law, we fail to perceive how these cases can be met by any legislation that is really consistent with the present basis of the suffrage—viz., that there must be occupation as a householder or a lodger. To attempt, by some tinkering extension or modification of the service franchise clause, to include the classes in question will, we are sure, lead to great legislative absurdities and anomalies. Where is the line to be drawn with regard to the occupation of rooms? Why should the case of *employés* or servants occupying rooms stand on a different footing from the occupation by other persons of rooms otherwise than as tenants? If any legislation is attempted on the subject we do hope, for the sake of the symmetry and logical consistency of our law, that some attempt will be made to find a reasonable basis for legislation, and recourse will not be had to the familiar device of providing that something shall be considered to mean something altogether different. If an *employé* occupies a room of his employer's otherwise than as a dwelling-room (which is the hypothesis), then it cannot really be on the basis of household suffrage that he is to become entitled to the franchise; and if he is to be made so entitled, we hope that an attempt will be made to define the new franchise on a fresh basis consistent with fact.

LEGISLATION OF THE YEAR.

MUNICIPAL VOTERS.

48 Vict. c. 9.—An Act to relieve Municipal Voters from being disqualified in consequence of letting their Dwelling-houses for short Periods. [28th April, 1885.]

This Act simply applies the principle of the House Occupiers' Disqualification Removal Act, 1878, which applied to the parliamentary franchise only, to the municipal franchise; enacting that "a man shall not be disqualified from being enrolled or voting as a burgess at any municipal election in respect of the occupation of any house by reason only that, during a part of the qualifying period, not exceeding four months in the whole, he has, by letting or otherwise, permitted such house to be occupied as a furnished dwelling-house by some other person, and, during such occupation by another person, has not resided in or within seven miles of the borough." It will be observed that, for the enactment to operate, the house must have been let furnished, which, of course, means substantially furnished—the mere introduction of some additional articles of furniture by the tenant not militating against the operation of the Act—and also that the four months' letting may be made up of different periods of letting.

SCHOOL BOARDS.

48 & 49 Vict. c. 38.—An Act to amend the Law relating to School Boards so far as affected by the Incorporation of a Municipal Borough and as respects the Divisions of the Metropolis. [31st July, 1885.]

It is provided by section 213, sub-section 1, of the Municipal Corporations Act, 1882, that, where a municipal borough is newly created, the Privy Council may settle a scheme for the adjustment of the powers, &c., of the local authorities having jurisdiction within the area, but school boards were expressly excepted by the same section from the operation of such scheme. This inconvenience is obviated by the present Act, which allows a school board to be interfered with by the scheme, but provides that the scheme must be considered by the Education Department, and, also, that the borough is not to be placed under more than one school board. As regards the metropolis, the only alteration is to divide the Lambeth School Board Division, for the election of members of the London School Board, into two sub-divisions, to be called "East Lambeth" and "West Lambeth" respectively.

CUSTOMS AND INLAND REVENUE.

48 & 49 Vict. c. 51.—An Act to grant certain Duties of Customs and Inland Revenue, and to amend the Laws relating to Customs and Inland Revenue. [August 6, 1885.]

This annual Act, which bears a date unusually late, contains three parts—the first part dealing with excise, the second with stamps, and the third with income tax. In the first part the only sections which call for notice are sections 8—10, which impose penalties for the adulteration of beer, replacing the ancient 56 Geo. 3, c. 58, *in pari materiâ*. That Act expressly prohibited adulteration by "cocculus indicus, grains of paradise," and other horribles; the present Act merely says that brewers, dealers, and retailers "shall not adulterate beer, or add any matter or thing thereto, except finings for the purpose of clarification, or other matter or thing sanctioned by the Commissioners of Inland Revenue"—the penalty being fifty pounds. The provisions against adulteration generally, of the Sale of Food and Drugs Act, 1875, remain undisturbed.

The second part of the Act imposes a five per cent. duty upon the annual value of the property of any corporate or unincorporate body; but as there are no less than seven kinds of property exempted—*e.g.*, property applied for religious, charitable, or educational purposes, and the property of any trading company—the effect of this part will be comparatively slight. When some future Chancellor of the Exchequer thinks fit to do away with the exemptions, the sections which provide for the levying and collection of the duty will be of the greatest importance.

The third part (section 26) contains a very important provision for further securing the income tax on foreign and colonial dividends. Such of these as are payable abroad had hitherto in many cases escaped duty, notwithstanding 5 & 6 Vict. c. 35, s. 96, and other enactments. It is now provided by section 26, not only that bankers and other persons selling foreign coupons shall be bound to pay the income tax thereon, but also that "a person intrusted with the payment of dividends, who shall perform all necessary acts so that the income tax thereon may be assessed and paid, shall be entitled to receive as remuneration an allowance of so much (not being less

than threepence) in the pound of the amount paid as may from time to time be fixed by the Commissioners of the Treasury.

LUNATICS.

48 & 49 Vict. c. 52.—An Act to amend the Law relating to Lunatics. [6th August, 1885.]

The late Government brought forward two Bills, one amending and the other consolidating, dealing at great length with the law of lunacy, and at one time it appeared that the public interest in the subject was sufficient to ensure both these Bills being carried. They were both dropped, however, and in their place we have the present minute measure—good as far as it goes—which merely provides for the *interim* detention in a workhouse of lunatics belonging to the class of paupers or persons wandering at large, or not under proper care, "or cruelly treated or neglected by any relative or other person" having charge of them. Such *interim* detention will allow the deliberate examination, under proper care, of the person detained, who, if found to be a lunatic, will be consigned to a lunatic asylum under a justice's order (see Lunatic Asylums Act, 1853, ss. 67, 68), as before.

LABOURERS' DWELLINGS ACT.

48 & 49 Vict. c. 72.—An Act to amend the Law relating to Dwellings of the Working Classes. [August 14, 1885.]

This is in a great measure an Act of incorporation by reference. The Labouring Classes Lodging Houses Act, introduced by Lord Shaftesbury when Lord Ashley in 1851, which was purely an adoptive Act, and the object of which was shortly to allow public bodies to build lodging-houses for the working classes at an expense to be recouped out of the rents, has, we believe, practically remained a dead letter. The present Act increases the facilities for its adoption, and greatly enlarges its scope, by allowing houses proper, as well as lodging-houses, to be erected. A question of very great importance arises upon the construction of section 1 as read with section 7. Section 1 says, "The Labouring Classes Lodging Houses Acts" may be adopted by urban or rural sanitary authorities, &c. Section 7 is as follows:—

"It shall be the duty of every local authority intrusted with the execution of laws relating to public health and local government to put in force from time to time, as occasion may arise, the powers with which they are invested, so as to secure the proper sanitary conditicn of all premises within the area under the control of such authority."

Does the section include the adoptive power under section 1 or not? On the whole, we think it does not, on the grounds (1) that an obligation to adopt the Acts being in conflict with the permissive power specifically given by section 1 cannot be taken to override that power; and (2) that the latter part of section 7 limits its operation to existing premises in a specific condition of defective sanitation. For other purposes, however, section 7 is of undoubted effect, and substitutes "must" for may in countless sections of the Acts "containing the laws relating to public health and local government." So much as to the building of good houses. With regard to the pulling down of bad ones, it is provided (section 4) that an owner upon whom an order of demolition is made under the Act of 1868 (31 & 32 Vict. c. 130) shall cease to have the power of requiring the local authority to purchase them, and that the Artizans and Labourers' Dwellings Act of 1875 (38 & 39 Vict. c. 35), and its amending Acts, which previously did not apply to places not containing 25,000 inhabitants, shall apply to all urban sanitary districts. The 12th section, which was originally drawn so as to apply to all houses, and to impose on the landlords of all unfurnished houses the obligation which the law implies in the case of furnished houses, appears in a restricted shape. It provides that "in any contract, made after the passing of this Act, for letting for habitation *by persons of the working classes* a house or part of a house, there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation." The expression "letting for habitation by persons of the working classes" is then defined as letting at a rent "not exceeding, in England, the sum named as the limit for the composition of rates by section 3 of the Poor Rate Assessment and Collection Act, 1869"—*i.e.*, in the metropolis, £20; in Liverpool, £13; in Manchester or Birmingham, £10; and elsewhere, £8. This statutory condition can of course be "contracted out of." The words "notwithstanding any stipulation to the contrary," inserted in the House of Commons on the motion of Sir H. James, with the approval of the Government, were struck out in the House of Lords on the motion of Lord Bramwell, and the amendment was agreed to by the Home Secretary, with the remark that the words would have to be inserted in a forthcoming Amendment Bill.

*** Hours of Polling Act.—By an error, originating in a curious way, the Hours of Polling Act, 1884, was stated (*ante*, p. 753), like the recent Hours of Polling Act, 1885, to be "directed not to come into force until a dissolution." The Act of 1884, in fact, came into force on its passing—viz., the 28th of July, 1884.

REVIEWS.

CRIMINAL LAW AMENDMENT ACT.

The Criminal Law Amendment Act, 1885. By R. W. Burnie, Barrister-at-Law. Waterlow & Sons, Limited.

The Criminal Law Amendment Act, 1885. By F. Mead and A. H. Bodkin, Barristers-at-Law. Shaw & Sons.

Both these books, as far as annotations, illustrations, and comments go, are exceedingly well done, but in both of them, in Messrs. Mead and Bodkin's particularly, from its smaller size, the various sections of the Act are too much choked with annotations for easy reading. Mr. Burnie distinguishes himself by the ingenuity of his points, and also by a happily-selected extract from the French Code on the subject-matter of the Act, while Messrs. Mead and Bodkin have printed well-chosen extracts from the report of the House of Lords Committee. In both books there is a full citation of cases, and much intelligent discussion of the novel features in the law of evidence which the Act bears, Messrs. Mead and Bodkin pointing out that in Scotland the unsworn evidence of a young child has long been receivable. The Act is full of difficulties, and to study one or both of these works will be a very good way of meeting them. If called upon to decide between the two, we should pronounce Mr. Burnie's to be the better.

THE LAW QUARTERLY REVIEW.

The Law Quarterly Review. October. Stevens & Sons.

The present number of our contemporary keeps up its usual high standard of excellence. Mr. Arthur Cohen, Q.C., M.P., opens it with some notes on the subjects of stoppage *in transitu* and the amendment of legal procedure. Mr. R. Campbell continues his remarks upon Scotch and English land tenure, and promises, in the next number, to conclude with some remarks upon the "Crofter Question." Mr. H. W. Challis follows with a learned inquiry into the grounds on which executory limitations can claim exemption from the rules governing limitations in common law assurances, combatting, with much ingenuity and acuteness, the conclusion arrived at in *Adams* v. *Savage* (2 Salk. 679, Lord Raym. 854) and *Rawley* v. *Holland* (22 Vin. Abr. 189, 2 Eq. Abr. 753), that a springing use of freehold, not preceded and supported by another express use of freehold, is void whenever there cannot be a resulting use of freehold to the settlor. Mr. T. E. Scrutton criticises with great, and apparently just, severity the errors of the text of Bracton in the edition prepared by Sir T. Twiss for the Rolls Series; and he gives much interesting information which points to a close and intelligent study of his author. In a valuable paper, to which we have already made some reference (*supra*, p. 749), Mr. L. O. Pike investigates the early history of equity procedure, traces the progress of the distinction between the common law and equity jurisdictions of the Court of Chancery, and arrives at the conclusion that the distinction was not well established until after the reign of Henry V. Mr. Sydney G. Fisher refers to the old English common law substitutes for equity procedure—such as the writ of estrepement, and the assize of nuisance—and gives many curious particulars of the attempts made by some of the American States to dispense altogether with an equity jurisdiction. Mr. Elphinstone makes some remarks on the limits of rules of construction; a subject which his previous writings show him to be peculiarly qualified to treat. Mr. H. A. D. Phillips, Justice of the Peace for Bengal, Behar, and Orissa, in a paper entitled "Offences against Marriage, and the Relations of the Sexes," offers some valuable suggestions, and criticises not altogether favourably the recent Criminal Law Amendment Act.

It is stated that the following are the arrangements made for hearing probate and divorce cases during the ensuing Michaelmas Sittings—viz., causes for hearing before the court itself will be taken on Monday, October 26, and following days (first) probate; (second) defended matrimonial; (third) undefended matrimonial. Special jury cases will be taken on Wednesday, November 18, and following days, the probate list being heard first and the matrimonial afterwards. Common jury cases will be taken on Friday, December 4, and following days, probate causes first and matrimonial afterwards. Summonses will be heard in chambers at half-past ten o'clock, and motions will be heard in court at half-past eleven o'clock on Tuesday, October 27, and on each succeeding Tuesday during the sittings.

CORRESPONDENCE.

THE REFORM OF THE LAND LAWS.

[*To the Editor of the Solicitors' Journal.*]

Sir,—"The Reform of the Land Laws" seems, by consent of both parties, to be a business most urgently needing attention. What is meant by the phrase it is not easy to understand. Some of the advocates of change desire very drastic measures, and talk of legislation that may effect the sub-division of large estates; others hint at an alteration in the laws which govern the settlement of real estates such as would confer on every adult owner of a life estate power to sell the fee and spend the purchase-money; others, again, talk vaguely of the abolition of the laws of entail and primogeniture; but these people, as a rule, do not know what they are talking about. There is, however, one branch of the subject as to which there seems little difference of opinion. The transfer of land is to be made simple and inexpensive; at present, we are assured, the cost of dealing with real property is monstrously excessive; and, though speakers and writers differ as to the causes of this terrible state of things, everybody, from Mr. Chamberlain to Lord Salisbury, from the Duke of Marlborough to Mr. Horace Davey, agree as to the fact, and almost everyone who touches on the subject asserts that these wicked expenses can be reduced, and that the panacea for all the evils connected with the transfer of land is a system of compulsory registration.

Those of us whose acquaintance with the profession dates back for a quarter of a century or so, will recollect the Land Transfer Bill which Lord Westbury succeeded in passing into law in 1862—a measure based, in some measure, if my memory does not mislead me, on Bills which had been, in previous years, introduced into the House of Lords by Lord Cranworth and by Lord Chelmsford; and few among us anticipated that that Act would remain, as it did, almost a dead letter. You, Sir, were, I think, among those who urged that what had been accomplished in the colonies might be accomplished in England; and you suggested that, under a system of registration of titles, dealings with land might be conducted with far greater simplicity, security, and economy than of old. And yet how few of the owners of land who have ventured to avail themselves of the provisions of that Act, or of the Act passed under the auspices of Lord Cairns in 1875, have not regretted the day when they did so! And a task which proved too great for the powers of Lord Cranworth, Lord Westbury, and Lord Cairns, might well deter the present Lord Chancellor, whose experience in regard to the law of real property must at best have been limited.

I would not, however, trouble you with a letter on this subject, but that it occurs to me your readers may be interested in knowing how a system of registration of titles works in actual practice. We are told by the law reformers that, in Australia, the transfer or conveyance of land is the simplest business in the world. The vendor and purchaser can settle a sale of landed property as quickly and inexpensively as the sale of a sheep. Almost the same expedition may be secured in England under the present practice whenever the vendor is the absolute owner of unincumbered real estate, *and the title is quite simple.* How this speed is to be attained under any system of registration, when the property is incumbered, I have never yet been able to understand. With your permission, however, I will narrate my own experience of the purchase of land in a country where a system of compulsory registration of titles is in force.

An English joint stock company, for whom I act, have recently had occasion to acquire an estate in America. The property is something more than a thousand acres in extent, and the purchase-money was about £9,000. It is situate in the State of Iowa, a state blessed with a complete system of registration of titles to real estate, every instrument affecting land requiring registration. There are no antiquated laws to impede or hinder dealings with land; those principles of English land law which it is the fashion to call feudal seem to be quite unknown there. Iowa only attained the dignity of one of the States of the Union in 1846, and its land laws, if not brand-new, are of the most modern pattern. The parcels, too, so often a source of anxiety to the English conveyancer, give no trouble there; the land is mapped out into squares, each containing 640 acres (a square mile), and these are sub-divided into quarters or smaller portions, and referred to by reference to the points of the compass; thus the north half of S.E. quarter of sec. 13, Township 75, Range 24 W., 5 p.m.; and in the case I refer to no kind of difficulty arose either about easements or similar rights, boundaries or any matter, except title pure and simple. The vendor of the land, too, was a person of wealth and position, interested in our company and anxious to facilitate the sale in every way, and there was no kind of hitch about the purchase-money or about any of the non-technical arrangements connected with the purchase. I mention these circumstances, as it should be understood that all our difficulties were difficulties of title and conveyance, and nothing else.

The company instructed its solicitor in America to investigate the title, and get the property properly conveyed in the usual way. I thought we should never get the matter completed. The vendor conveyed his interest very speedily, but then commenced the process known to the Iowa lawyers as the removal of the clouds. The title appeared to be exceedingly cloudy. I got numerous reports as to the progress of this cloud-removing business, which was nothing more than getting rid of incumbrances that had been registered, and which, though paid off, had not been properly discharged, or the discharges had not been properly registered, and the getting in of outstanding estates. Slow as was this progress, when at last I received the evidence of the company's title, I ceased to wonder at the delay.

Landowners in Iowa sometimes hold small lots of land—not small in the English acceptation of the term, but forty or eighty acres—and, having got them, they are often foolish enough (I can assure Mr. Jesse Collings and his followers it is the fact) to sell them. So our estate was made up of purchases made by the vendors to us from numerous small holders. But these holders had, prior to selling their allotments, been very much in the habit of incumbering them, and all these incumbrances had been duly registered. Some of the owners, and some of the incumbrancers, too, appear to have had a happy knack of muddling their affairs, making unintelligible wills, and the like (small freeholders in England have a similar habit), and these had to be registered. One gentleman, who died intestate, appears to have caused infinite trouble, as two or three suits in the local courts ensued to find out who was entitled to his property, and, it appearing ultimately that several infants were entitled, guardians had to be appointed, and, shortly afterwards, a lady appeared on the scene, who claimed to be dowable, and she and the infants between them, produced a very cloudy atmosphere, judging from the labour that appears to have been expended to disperse the clouds they brought with them. Occasionally an owner devised an interest in his property to an infant, and, in one instance, such an infant got drowned, and no one seemed willing to take out administration to him—why this was necessary I do not know—but the absence of it increased the already nebulous state of the atmosphere.

I might multiply instances, which I gather from the document sent from America as evidencing the title of the company, and called the abstract of chain of title. It extends only from the 1st of August, 1884, to the month of June, 1885, and includes, as I understand it, references only to the various instruments registered to give my clients, as purchasers, a clear, unincumbered title on the register, or to instruments appearing on the register in August, 1884, and the interests created by which are got rid of by the instruments registered subsequently. The references are numbered consecutively, and reach the enormous sum total of 146. They include mortgages and instruments discharging the mortgages, wills, proceedings in the local courts, declarations as to pedigree, and other matters. Your readers will not be surprised to hear that the cost of the conveyances exceeded the scale fee on a purchase for a similar amount in England, and this notwithstanding the fact that the expense of getting in these outstanding interests was borne by the vendor.

A system of registration such as this may add to the security of incumbrancers and others having interests in land not evidenced by actual or physical possession, but it is economy that is to be secured by the proposed scheme of registration. Bearing in mind that it is very much the habit of all of us to accept evidence of facts arising upon titles far less complete than would satisfy a registrar, where an incumbrance or similar interest has to be got rid of, I own that in my character of one of the conveyancing brotherhood, against whom his Grace of Marlborough has couched his lance, I am a little amused at the proposals for enabling every man to be his own conveyancer, which is really the aim of most of the present advocates of a change in the laws that govern the transfer of land, but as I unfortunately happen to own a little land which I would only too gladly sell in small allotments or otherwise, and if I could get a reasonable price, pay the cost of the purchaser's conveyance into the bargain, I own to feeling some dread lest the mania for reform should result in a measure that may double the cost of the transfer of land.

Bearing in mind whence the recent outcry for change arose, is it out of place to remind the owners of land of the old, I was going to say hackneyed, quotation—

> "Creditis avectos hostes? aut ulla putatis
> Dona carere dolis Danaûm? . . .
> Quicquid id est, timeo Danaos et dona ferentes."

Hereford, October 12. H.

[*To the Editor of the Solicitors' Journal.*]

Sir,—I see from the recent speech of the Marquis of Salisbury, that the Government have it in intention to introduce a Bill in Parliament for rendering registration of titles compulsory; though he does not seem to have personally much confidence in such a scheme.

In 1858, an article very worthy of reconsideration at this day, headed, "Title Books *versus* Title Deeds; or, Public Registration of Titles superseded," was published in vol. 5 of the *Law Magazine and Law Review*, p. 67, in which the outlines of a plan for a private book registry are given, wherein provision is made for authentication of the book; a limitation in point of time as to granting an original title-book without judicial sanction for any particular estate; subdivisions of property when a supplemental book would be required. Provisions for duly carrying out the scheme are given, and the object to be gained is stated to be a system of private registration of assurances free from the objections and disadvantages of a public registration.

The fundamental principles of real property law would by this means remain intact, and no future deed would be operative to affect real property unless engrossed in the title-book of the estate.

I thought on reading this article at the time of its publication, and I still think, that if such a scheme was sanctioned by Parliament, there would be no need of an Act for compelling registration of title, and all the advantages of registration would be obtained without any of its disadvantages.

Deeds also could be far more shortened by this than by any other system, as the parcels need be simply by way of reference to the earlier deeds in the book.

The only objection I can see to the scheme is that it would not provide places for a fresh set of expensive officials.

The article in question was attributed to an eminent conveyancer. —I rather think the late Mr. Joshua Williams, Q.C.

85, Morley-street, Manchester, Oct. 8. J. H. Bullock.

LEASEHOLD ENFRANCHISEMENT.

[*To the Editor of the Solicitors' Journal.*]

Sir,—It has always seemed to me that a scheme of enfranchisement of leaseholds might be adopted which would be both simple and effective.

With respect to leaseholds where the unexpired term exceeds, say, 100 years, I would give the fullest power to enfranchise upon payment of such a sum as would purchase a sufficient amount of Government Stock at current prices to produce an income equal to the ground-rent for the time being. This could not be dealing unfairly with the lessor, because he would get the same income as the ground-rent absolutely secured to him, and no reasonable man could desire more.

As to the term upon which the proposed legislation should operate, it seems to me that another principle should be imported into the consideration. Let it be established by law that every leaseholder who has erected, or whose predecessors have erected, a dwelling-house on the demised land, with the consent in writing of the lessor, should have an inalienable right to purchase the fee upon some terms. This would probably lead to some arrangements by which landowners would join their lessees in the erection of buildings, and charge interest upon the money contributed, in addition to the ground-rent; but I would check this by stating a term which should entitle any leaseholder to enfranchise whatever the circumstances might be. This would probably be fixed at fifty years, or any other term which might be thought fair and reasonable.

As to the purchase-money, in every case where the lessor had, before the passing of the Act, based his rent upon the supposition that the reversion would be of value to him or his successors, it would be right, I suppose, to give him something more than mere Government Stock representing the interest-yielding capital; but it will be found in the great majority of cases that the highest rent has been extorted without regard to the reversion, and the capitalized rent will therefore be sufficient compensation. In the few cases where regard had been had to the reversion, some less cumbrous machinery should be provided than that suggested by Mr. Broadhurst, for if the amount had to be fixed, even in the county court upon the evidence of surveyors, the longest purse would generally get the best of it.

As to leases granted after the passing of the Act, it should be provided that in every case where the lessee either wholly or partly erected a dwelling-house on the land, with the consent of the lessor, there should be an indefeasible right of enfranchisement by paying a sum equal to twenty-four years' ground-rent actually paid.

As compulsory legislation upon the subject is almost a certainty, is it not strange that landowners do not see the wisdom of anticipating it by voluntarily meeting their leaseholders in a fair and liberal spirit?

Spectator.

The American legal journals announce the death of James S. Barclay, the father of the Philadelphia Bar, at the age of ninety-five years.

SOCIETIES.

INCORPORATED LAW SOCIETY.

Annual Provincial Meeting.

The twelfth annual provincial meeting of the Incorporated Law Society was held on Tuesday and Wednesday, at St. George's Hall, Liverpool. It had been intended to hold the meeting in the Town Hall, but the building was found unsuitable for the purpose, and the place was therefore changed. The chair was taken by Mr. Henry Roscoe, president of the society.

The society received a cordial welcome to Liverpool at the hands of the Mayor (Mr. Alderman D. Radcliffe), who remarked that the name of Roscoe was an honoured one in Liverpool, and he had, therefore, the greater pleasure in receiving the society.

The President, having briefly replied, thanking the Mayor and the Corporation for the use of the hall, took the chair, and the proceedings commenced with the reading of

THE PRESIDENT'S ADDRESS.

After some introductory remarks, in the course of which the president referred to the pleasant and instructive character of the provincial meetings as compared with the meetings in London, which, he said, "are too apt to degenerate into a sort of contest between the council, supported by an ample majority of the members of the society, on the one hand, and a small but active and energetic minority on the other. The subjects discussed are often of a somewhat personal character, implying, if not asserting, a want of confidence in the council; and, although we have certainly no reason to complain of the support we receive, still I myself cannot but feel—and I think that feeling is largely shared by many members of the society—that our time might be much better occupied at those meetings than it is, and that only too often the graver interests of the society, and of the profession, are sacrificed or neglected, whilst valuable hours are lost in discussing the form of our accounts, the substantial accuracy of which no one really doubts, and minor matters of that kind, which, although not without their importance, should not, I think, occupy the prominent position they do at our general meetings," the president turned to the Bills before Parliament during the late session, and after a brief reference to the Reform Acts, he passed to

The Death Duties.

A vigorous attempt was, as you are all of you aware, made by the late Government greatly to increase the "death duties" payable in respect of real estate, so as to make them equivalent to those levied on personal property. This naturally led to great opposition from those interested in land, who consider that they already have too large a share of the burdens of the State thrown on their shoulders. This opposition proved fatal to the measure and to the Government which promoted it; but it is not probable that the subject will be allowed to drop, and we must be prepared in the future, nearer or more remote, to see it again brought forward. The question has a special practical interest to solicitors, as we know how great has been the trouble and anxiety caused to us by the Succession Duty Acts; and it behoves us, in our own interests as well as in those of our clients, to do our best, when the time comes, to get any measure on the subject framed in such a way as to diminish rather than increase the complexity of the incidence of the tax. I express no opinion whatever as to whether or not the present amount of that tax should be increased. That is to a great extent a political question, with which I have nothing to do here; but I cannot myself feel sorry that it was not increased at a time when there was a heavy deficit of a temporary character in the national income. That temporary deficit should not, I think, be made the means of effecting what everyone feels would be a permanent change in the incidence of taxation. The temporary financial pressure will pass away, but, if once imposed, the increased succession duty on land will not pass away; and, as I have before said, I do not think it desirable that it should be imposed under such circumstances. If it be right and just in itself, by all means let it be done; but let it be done after due discussion, and not under a pressing national need for immediate income.

Guardianship of Children.

Whatever may be thought of the injustice under which married women formerly suffered with regard to their property, and which has now been so amply remedied by the Married Women's Property Act of 1882, few people can, I think, fail to see how very unjust are the laws which affect her with regard to her infant children. The old law, indeed, almost denied her any right whatever in them, except such as she might derive from her husband, whose will in a matter affecting her at least as much as it did him was, practically speaking, absolute. This power extended and extends beyond the period of his own life, and he may, as you know, by will appoint a guardian, possibly hostile to her, in whom all the parental power is vested. No doubt, in the interests of the children themselves, the Court of Chancery has to some extent mitigated the rigour of the common law in this respect, and has, at the instance of the mother, placed some check on the father's management of his children where they were likely to suffer from it. This was, however, only done in their interests, and not in those of the mother, although she might, no doubt, come in for some of the incidental advantages. In cases of guardianship in particular the influence of the court has been very beneficial, the power of regulating the amount of maintenance money to be paid to the guardian

giving it in such cases a good practical hold over him; and no judge would allow a guardian to deprive an infant of its mother's society unless it could be shown that she was morally unfit to associate with her child. The Divorce Acts have in a much more direct way, no doubt, recognized the mother's rights; but they fortunately apply to but a limited class of cases, and in no way affect the general injustice of the legal relations of a mother towards her children. To remedy this injustice a Bill was last session brought into, and passed, the House of Lords, but was, unfortunately, at the last moment, strangled in the Commons, owing to the want of care of the gentleman who had charge of it, in whose absence, at the close of the session, an enemy succeeded in defeating it by getting the third reading fixed for the very day on which Parliament was to be prorogued. Doubtless, we have not heard the last of this important measure, the general intent of which was to place the mother in something like a fair and reasonable position with regard to those for whose existence she is responsible, and who are, or should be, dearer to her than life itself. Even were the Bill passed into law, the powers of the father would still predominate, but would not entirely overshadow those of the mother, whose voice would then be allowed to be heard, not only in right of her children, but in her own. As the Bill failed to become law, it is not needful to trouble you with its details, which will, however, I trust, have to be discussed on a future occasion.

Copyhold Enfranchisement.

The Copyhold Enfranchisement Bill, to which reference has so often been made at these meetings, and which, subject to certain modifications, has been from time to time approved by your council, was again brought in and passed the House of Commons, but was thrown out by the House of Lords with something like ignominy, Lord Cranbrook describing it as "a sort of Joseph Surface Bill, full of high sentiments not carried into practice, an illustration of faith without works." How far this criticism is just may well be open to doubt, as the Bill seems to me, and to those who are better able to form an opinion than I am, to be practical and even trenchant in its character. Probably its real fault in the eyes of the Upper House was that it dealt only too uncompromisingly with the rights of the lords of manors, many of whom may not have liked to see the old relation between lord and copyhold tenants so summarily disposed of. However this may be, it seems clear that after all that has been done in the past, and looking to the already greatly diminished area of copyhold land, it is in all respects desirable that the process of enfranchisement shall be accelerated, so that, within some measurable distance of time, one uniform freehold tenure may prevail throughout the land. I know it may be said that certain special tenures, such as gavelkind and borough English, would still remain, even if all copyholds were enfranchised, but these are very local in their character, and it would not, I think be difficult to deal with them in the future, although I have reason to know that they are at present held to with some tenacity by those most affected by them. This is more especially the case with the Kentish tenure of gavelkind by which, as every one knows, the land on the death of the owner intestate is divided equally amongst his sons instead of passing to the eldest son alone. Whilst primogeniture obtains in the rest of England I cannot be much surpised at the men of Kent clinging with some tenacity to their own special tenure; but, should primogeniture be done away with (which is, I consider, only a matter of time, and very probably of a short time), the same reasons for retaining a special tenure in Kent would not apply, and with the reason for its retention the feeling in favour of it would probably die away.

Registration of Titles.

Several other attempts have, during the late session of Parliament, been made to alter the existing laws relating to real property, but none of them have proved successful, nor do I think that any of them deserved to succeed. An elaborate scheme for the registration of titles was brought into the House of Lords by the Duke of Marlborough, but was not proceeded with, and I do not propose to trouble you, gentlemen, with the details of its provisions. The subject is one of immense difficulty, and, where Lord Westbury and Lord Cairns have both signally failed, the Duke of Marlborough, and those who act with him, are hardly likely to succeed.

Enfranchisement of Leaseholds.

Two crude and ill-considered Bills for what is now known as the "enfranchisement of leaseholds" were brought into the House of Commons, but have not been proceeded with. They attempted to deal with a subject which has attracted a good deal of public attention of late, and of which we shall, no doubt, hear more in the future. That there are evils attendant on the practice, so common in London and in many parts of the country, of building houses upon land leased for ninety-nine years, or even for shorter periods, is an undoubted fact; and I think you Lancashire men are wise in discouraging the system, although I believe you have by no means been able altogether to avoid it. Still, the evil, whatever it may be, must not be met by unjust or ill-considered legislation, and I think the measures above referred to both unjust and ill-considered. To take a single example. What can be more unreasonable than the provision in Mr. Broadhurst's Bill that a lessee who, in accordance with the almost universal practice, has accepted a building lease without any investigation of his landlord's title, may immediately apply to a county court to buy up the reversion, and may, as a preliminary, compel a judicial investigation of that title which he has so shortly before agreed to accept as good, and which may well be of such a nature as to render the investigation in question in the highest degree dangerous to the lessor? It is easy to see how readily such a power as this might be abused, and to what trouble, vexation, expense, and danger a landowner might be exposed at the instance of a designing or interested person who, for his own purposes, might have bought up the lease of a house subject to a ground-rent of, possibly, a few pounds a year.

Peasant Proprietors.

Mr. Jesse Collings' abortive Peasant Proprietary Bill affects to deal with a subject which partakes so largely of a political character that I shall not attempt to deal with it here, the rather as I anticipate that, in the forthcoming Parliament, the whole subject will, in all probability, be dealt with under higher auspices. It is one well worthy of the most careful attention, but the principles involved in it are such as rather concern the statesman than the lawyer. Still, it is a subject which must always be of peculiar interest to us as affecting the transfer of land from man to man—a matter with which we solicitors are especially conversant; and it will be the duty of your council to watch any such measure in its progress through Parliament and to scan its provisions and working details with the greatest care.

The Settled Land Act.

I have now, I think, adverted to all the legislation affecting real property which was proposed—for nothing was really effected—during the late session of Parliament; but I cannot quit the subject without saying a few words on the working of that great and beneficial measure, the Settled Land Act, the solvent effect of which on heavily incumbered family estates is only now beginning to be appreciated. How largely its provisions are being even now brought into play will be seen by a glance at the *Law Reports*, and how much more largely they will be applied when the present heavy cloud has passed away from the great field of agriculture—as pass away it will—I leave you, gentlemen, to judge. At present it is difficult, nay, often impossible, to find a purchaser for land at any reasonable price, not—as is too often assumed by ill-informed or prejudiced persons (some of them, I regret to say, occupying exalted positions)—because the expense and difficulty of transfer is great, for under the combined influence of the Settled Land Act, the Conveyancing Act, and the Solicitors' Remuneration Act and Order, these can no longer be alleged with any show of reason—but because, owing to the bad harvests of recent years and other incidental causes, land, as an income-yielding investment, is in the highest degree discredited. When this state of things shall have passed away, the full effect of the Settled Land Act will be seen, and many a fair domain will pass from its old owners and will either be broken up or become the property of some new man better able to do justice to it and to those who live upon it and by it. I say this with no sense of satisfaction, but rather with a feeling of sadness mingled with satisfaction at the thought that, if the old order must pass away, a new one will arise in its place better fitted to hold its own in the world in which we all now actually live.

The Cry against Lawyers.

Before I pass from this part of my subject I must, on behalf of our branch of the profession, enter a strong protest against the flood of abuse, misrepresentation, and invective by which we have been assailed of late, both by press correspondents and from the platform by gentlemen who, I cannot help thinking, have been in many cases actuated by personal and ignoble motives in giving fresh impetus just at the present moment to an old and dying-out prejudice against lawyers and their doings. We have, for electioneering and party purposes, been represented as a set of harpies who render the transfer of land at any reasonable price impossible; who, for their own selfish interest, have stood and stand in the way of all reforms; and who must be put down, or even swept away, before any effectual measure for the more easy, expeditious, and economical transfer of land can be hoped for. Such are, in brief, the accusations made against us, but what are the facts of the case? We have, as can be readily shown by the records of our society, been the consistent supporters, and frequently the suggesters, of all the numerous improvements in the laws affecting real property which have been passed in recent times; we have laboured, and laboured not without effect, to facilitate, and not to impede, the transfer of land; and we have supported, and successfully brought into actual operation, a scheme for the remuneration of solicitors by means of a most reasonable percentage scale of charges, so that no man shall have a pecuniary interest in delay or in the needless complication of titles, and vendors and purchasers of land may be able at once, and by way of anticipation, to learn what a sale or purchase is likely to cost them. If we have not always been of one opinion as to the benefits likely to be derived from the registration of titles, it has not, I think, been from any selfish fear on our parts that we should thereby be injured in our pockets (any such fear being, in my opinion, quite baseless), but because many of us have felt that (even putting on one side the great initial cost of placing titles on the register) evil rather than good would result from the change, and that the disadvantages of officialism, and the delays and difficulties always incidental to it, more than counter-balance any good likely to arise from a system of registration. That these fears were not without ground has been amply shown by the working of the existing Acts, which, according to my experience, and, I believe, that of all who have tried them, have by no means tended either towards expedition or economy. It does not, of course, follow that, because no good has as yet been done, none can be done in the future in the direction indicated; but the failures of the past certainly go far to justify the opinions of those who have preferred to abide by, whilst attempting to improve, the present system. Our council has, within the last few weeks, taken the whole subject into consideration, and is preparing a careful and elaborate paper, showing what our action has been in the past, and what our views are with regard to the future; and I trust this paper will, in due time, be placed in the hands of every member of the new House of Commons and of others interested, and will not only place us and our conduct

in a correct light before the country, but will be of material assistance in promoting sound public opinion on the subject.

The Bill for Housing the Working Classes.

The Bill for Housing the Working Classes, as brought into the House of Lords by Lord Salisbury, contained a clause which, going beyond the general scope of the subject with which it dealt, proposed to make a very serious alteration in the general law of landlord and tenant, inasmuch as it proposed to extend to contracts of letting unfurnished houses and apartments the implied condition that the house is in all respects reasonably fit for human habitation, which has hitherto only applied to contracts for letting furnished houses and apartments. It may, perhaps, be considered that such a change in the law would not in itself be unreasonable; but the subject is a very serious one for all landlords and managers of house property, and the change would have imposed on them a liability of a very formidable character, and one which might be open to a good deal of abuse, as the efficacy or otherwise of all sanitary arrangements (at which, of course, the clause in question was more particularly directed) depends very much on how the appliances are used by the tenant, who is in full possession of the premises, and may so deal with them as to bring about the very evil of which he afterwards complains, and cause the very damage for which he afterwards sues his landlord. The clause in its wide form did not pass into law, but is in the Act confined to the case of houses intended for the occupation of the working-classes; to which, owing to the fact that they are usually let out in weekly tenements, a great deal more supervision is generally given, and is certainly required, on the part of the landlord than is at all desirable, or even possible, in the case of the houses of the upper and middle classes. Even in its modified form, this change in the law will impose upon solicitors and others who may undertake the management of house property of the class affected a very grave responsibility, as they may be held liable to their clients for any damages or loss which may arise from the operation of the clause in question, and those damages may be of a serious character. The matter did not escape the attention of your council, and Mr. Gregory was kind enough to undertake to do what he could to reduce the apprehended danger within reasonable limits, and his efforts have not been unfruitful, as I have, I think, above shown.

The Law of Lunacy.

No attempt has been made during the past session of Parliament to amend or alter the laws relating to lunatics and persons of unsound mind, but much public attention has been called to the subject by a series of cases which have occupied the time of the courts, and in which persons who have been confined as lunatics have, with varying success, sought to recover damages from those who were instrumental, rightly or wrongly, in bringing about their confinement. It would be beyond my province to discuss the merits of these cases, but I think I may say, without fear of contradiction, that whatever their merits may have been they have disclosed the weak points of the existing system, and have shown how easily it may be abused in the interest of unscrupulous relatives, and of the greedy and dishonest agents whom it is unfortunately not very difficult for them to find. If we consider how careful the English law in general is in guarding the liberty of the subject, and of what immense importance it is that such liberty should not only be preserved but should be free from doubt, one cannot but be surprised at the ease with which a man who holds views at all differing from those entertained by the ordinary run of his fellow-men, or who is otherwise in any way eccentric, may be consigned to a lunatic asylum, and how great may be his difficulty in obtaining his discharge from it. The simple fact of his being there is often taken as *primâ facie* evidence of insanity, even by those who are naturally predisposed in his favour, and his best friends are too apt to pass the matter over by saying, "Poor fellow, I cannot be very much surprised, as he always seemed to me to be a little odd in his ways." Now, a man may be "a little odd in his ways," and yet be perfectly sane and competent to manage his own affairs; although he may so manage them as to make it greatly to the pecuniary interest of those who surround him, and to whom he is nearest, and should be dearest, to put him under what they may call some beneficial restraint—which, in ordinary language, means to shut him up in a madhouse. I am very far from saying that the present system is greatly abused (I don't think the evidence goes so far as that); it is sufficient for my purpose to say that it is capable of great abuse, and that, I think, is the feeling of most people who have given attention to the subject, and have at all carefully studied the evidence which has of late been so freely given before our courts of justice. My own opinion is, and always has been, that so far as possible the law should be so framed as to make it to the pecuniary interest of no man to keep another in confinement as a lunatic, and that any such interference with the liberty of the subject should be a public and not a private act. To secure this it would, I think, be needful entirely to do away with all private asylums, and to insist on some sort of State inquiry, not necessarily a public one, before any man's personal liberty shall be taken away from him. That this important subject will have to be dealt with by the new Parliament I cannot doubt, and I trust it may be dealt with in such a way as entirely to remove the uneasy feeling which has undoubtedly arisen in the public mind relative to it.

Evidence in Criminal Cases.

The Bill for the Amendment of the Law of Evidence in Criminal Cases, by which it was proposed, subject to certain restrictions, to enable the evidence of prisoners and defendants, and their wives and husbands, to be taken in all criminal, as it now can be in all civil cases, was again brought into the House of Commons by the late Government, but was once more withdrawn, owing, no doubt, to the pressure of other affairs of greater immediate political interest, although not, I venture to think, of greater real importance. Step by step during the last fifty years have the old absurdly strict and technical rules of evidence been altered and relaxed, very much to the advantage of justice, and we may fairly hope that before long this Bill, the principle of which has more than once been approved by your council, may become law, and that a man's mouth will no longer be closed at the very time when it is of the greatest possible importance to him that he should be able to speak out in his own defence. I am quite aware of what there is to be said in favour of the old rule, and how very repugnant to English ideas of justice are those practices which prevail in some countries of subjecting the accused to a sort of moral torture for the purpose of inducing him to condemn himself out of his own mouth; but I consider that the Bill in question, which only enables and does not compel a prisoner to give evidence, amply secures him against anything of this sort, even were he not otherwise secured by the feeling of fairness and justice which, I am happy to think, is the common characteristic of English judges and juries. That the change when it comes will be a salutary one I cannot for a moment doubt. Which one of us, gentlemen, if falsely accused of a criminal offence, would not, beyond all things, desire to give his own account on oath of the transaction out of which the charge had arisen? And if an innocent man would greatly desire the proposed change in the law, I fail to see why it should be refused because it may not at all times be pleasing to the guilty, who would have to elect between giving evidence, which might be shaken to pieces on cross-examination, or declining to give it, which might of itself prejudice them in the eyes of the jury.

Liabilities of Trustees.

Questions connected with the duties and liabilities of trustees have always a special interest to solicitors, who not only are constantly called on to advise in relation to them, but themselves very frequently have to act in that capacity. No class of men are so much pressed to accept the office, and none are better fitted by their knowledge and experience to fill it. Indeed, it may almost be treated as an axiom that no trust of any complexity or magnitude can be well administered unless, in one way or another, it is, as I may say, "domiciled" in a solicitor's office. This may seem strange to those who have been led to believe that a man of good ordinary business capacity who can manage his own affairs well is equally well able to manage those of a friend who may have appointed him to be a trustee of his will or settlement; and yet we know that the most serious breaches of trust, followed frequently by the most formidable litigation, are commonly committed by those very business-like trustees who act on their own untutored judgment of what is best to be done in the interests of those whom they represent. No doubt the broad rule is that a trustee will be held harmless if he acts with strict *bona fides* and in such a way as a prudent man acting in the conduct of his own affairs would do, but then he must, of course, have regard to the express words of his trust and to the rules which the Court of Chancery has been kind enough to lay down for his guidance. Here comes his great difficulty, and how great that difficulty is may be judged by the words of Lord Justice Baggallay in the recent case of *Dunn* v. *Flood*, to which I shall have to refer again hereafter. In that case the Lord Justice is reported to have said: "I am quite aware that it is very much the custom to use such wide conditions of sale as these, and an absolute owner is fully entitled to do so; but I am sorry to say that it is incident to the position of trustees that they are surrounded by pitfalls to which ordinary persons are not exposed." Now, these seem to me, gentlemen, to be very remarkable words for a judge to use—remarkable alike for their truth and for their candour—for who dug these same pitfalls? Why, clearly his lordship's predecessors on the bench, who have for a long series of years laid down the rules for the guidance of trustees to which I have before adverted. No doubt they dug them with the best intentions, and for the safeguard of beneficiaries against the acts or defaults of fraudulent or negligent trustees; but I think it can hardly be disputed that they have gone too far when, in addition to erecting ramparts and fortifications against the guilty, they have thought it well to surround those fortifications with pitfalls into which the innocent and unwary may as readily, or perhaps even more readily, fall than those for whom they are supposed to have been dug. The recent case of *Fry* v. *Tapson*, decided by Mr. Justice Kay, is a very crucial instance of the way in which of late years some of these old pitfalls have been dug out afresh and refitted to sharp stakes and spikes for the destruction of those who may be so unfortunate as to fall into them. The case has a special interest to us to-day, as it arose out of an advance of £5,000 by trustees on a house and grounds in Prince's Park, Liverpool. Trustees, having money in the Funds available for investment on mortgage, were willing, in the interest of the tenant for life, Mrs. Fry, to change the investment of the trust funds, so as to secure to her and her children a better income. Through their solicitors, resident in London, the security in question was introduced to them, and they, after satisfying themselves of the validity of the security, and under the advice of their solicitors, made the advance in question. The security became deteriorated in value, owing to local circumstances, and, in the end, proved to be insufficient, and the trustees were, in a suit instituted by Mrs. Fry and her children, held responsible to make good the loss, with costs of suits. Now I am not concerned to say that this decision was at all wrong as the law now stands; on the contrary, I believe it was perfectly right; but no one can read the case as fully reported in the *Law Reports* without feeling satisfied that the trustees acted with perfect *bona fides*, and thought they were taking all the precautions that men of business would take in the conduct of their own affairs, and just such precautions as they themselves would have considered necessary had they been advancing their own money; and yet they seem to have offended against four more or less well-established rules: (1) They advanced more than one-half of its value on house property; (2) they did not employ an absolutely independent

valuer; (3) they did not themselves personally choose that valuer, but were satisfied to allow their solicitors to do so; and (4) the valuer was a London man, and had no special local knowledge of the value of Liverpool property.

The case of *Bellamy and The Metropolitan Board of Works* is a somewhat older case and is, no doubt, well known to you all, as it has perhaps given rise to more trouble and difficulty in conveyancing practice than any case decided in recent years; and yet it establishes no new doctrine of equity, but simply applies the old rules to modern circumstances, and thereby nullifies, to a great extent, one of the most beneficial provisions of the Conveyancing Acts of 1881 and 1882—viz., the clause under which a purchaser can safely pay his purchase-money to a solicitor who produces a conveyance duly executed by the vendors. Since the case in question was decided, that clause must be read as if it had contained a proviso that it should not apply to the case where the vendors are known to the purchaser to be trustees; the reason being that the court, in its wisdom, has held in times past that the receipt of purchase-money is not within the ordinary scope of the business of a solicitor. We all of us know how untrue this is as a matter of fact, and how very constantly a solicitor does receive the purchase-money without his client being present at the completion; but the courts have decided it otherwise, and the facts must give way.

The case of *Dunn* v. *Flood*, to which I have already adverted, was decided by the Court of Appeal in the present year, and seriously extends the theretofore recognized rule that trustees in selling by auction must not do so under needlessly depreciatory conditions of sale. The rule itself is a sensible one enough, but, as expounded in the case in question, it makes it dangerous for trustees to adopt the most ordinary conditions of sale; and, strange to say, enables a purchaser to repudiate his contract, on the ground that the conditions used at the sale make it possible that he may have secured too good a bargain.

I will not trouble you with further recent cases on this subject, but there are others having reference to the taxation and the costs incurred by trustees, and other matters, which are of a most irritating character, and calculated to cause loss and vexation to trustees, and to discourage men from accepting that most onerous and thankless office which is now looked on askance by all sensible men; so much so, indeed, as to make it very difficult in many cases to get suitable men to act as trustees at all. This difficulty is not likely, I fear, to diminish in the future, unless, indeed, our judges should become inclined to apply their rules with greater discretion, or unless the Legislature should step in to the relief and assistance of trustees. An attempt in this latter direction was, in the last session of Parliament, made by Mr. Ince, who, moved by the hardship in the case of *Fry* v. *Tapson*, brought a Bill into the House of Commons "to amend the law relating to the liabilities and duties of trustees." As originally drawn, this Bill was confined to an attempt to remedy the evil brought to light by that particular case, but your council thought the occasion too good a one to be lost, and induced Mr. Ince to incorporate with the Bill clauses to meet the cases of *Bellamy and The Board of Works*, and *Dunn* v. *Flood*. Unfortunately the Bill, like so many others, failed to become law, and all we can now do is to watch for a favourable opportunity for its re-introduction into the new Parliament when it assembles next session.

Delays in the Chancery Division.

Notwithstanding the many changes and, I may with truth say, improvements of the last five-and-thirty years, over which my professional memory now, alas, extends, the cry of delay and expense in Chancery proceedings still rings in our ears, not altogether, I fear, without some just cause. Much has been done, but much remains to do before the great branch of business dealt with by the Chancery Division of the High Court can be considered as placed on a satisfactory basis. The great and beneficial changes instituted more than thirty years ago, when the Masters in Chancery were abolished and the whole practice of the court was recast, were followed by a number of minor changes, which consolidated and improved the procedure of the court with what we can all of us well remember as existing immediately before the passing of the Judicature Acts, and the issue of the rules under those Acts, which together have again revolutionized the practice, and merged the old Court of Chancery in the Chancery Division of the High Court. Since that time the whole of the practice of the court has been in a continuous state of flux, and it has been difficult, if not impossible, for the practitioner to find any well-ascertained land-marks for his guidance. Such a state of things, although, perhaps, necessarily incident to so great a change, was not without its very serious evils; and by those evils we are to a considerable extent still troubled, notwithstanding that the Rules and Orders of 1883 have a good deal lessened them, and have laid down a chart by which the practitioner may steer with something like safety; although, even yet, the divergencies of practice between the several divisions and sub-divisions of the court are a source of no small difficulty to those who have to conduct the business of the suitors through the courts and offices of the law. Recent legislation—such, for instance, as the Vendors and Purchasers Acts, the Settled Estates Acts, and the Settled Land Acts—have thrown much additional business on to the Chancery Division, and this, combined with other causes, has thrown the work of that division much into arrear; so much so, indeed, that the late Lord Chancellor thought it needful, at the end of last year, notwithstanding the very short time that the Rules and Orders of 1883 had then been in operation, to appoint a committee of judges, barristers, and solicitors to advise him as to what further improvements could be suggested in the distribution and conduct of business in the Chancery Division. On this committee I, as your representative, have had the honour of serving; and we have had very many meetings, under the presidentship of the Master of the Rolls, who has given unremitting attention to the subject, as indeed have in their degree all the members of the committee. Perhaps it may not be considered invidious if I specially refer to Mr. Marshall, of Leeds, a member of our council, who, however, on this occasion more particularly represented the associated country law societies, and who, although resident so far from London, attended every meeting of the committee, and took a very active part in our deliberations. As the committee is of a *quasi*-private character, it would not be becoming in me to state here the result at which we have arrived; but I may without impropriety say that we have made our report to the Lord Chancellor, and that I am not without hope that our labours may have some beneficial result in the future. If any gentlemen interested in this subject will refer to pages 11, 12, 13, and 14 of the last annual report of the council, they will see the various subjects to which my attention as a member of the committee has been more particularly directed; and may add that most, if not all, of those subjects have been dealt with by the committee, and, I trust, dealt with in a reasonable and satisfactory manner. I cannot quit this subject without tendering to my friend, Mr. F. D. Lowndes, my thanks for his kindness in furnishing me with a copy of a pamphlet written so long ago as the year 1843 by his father, the late Mr. Matthew Dobson Lowndes, on the subject of "Delays in Chancery," then even more rife than now. No one was more competent than Mr. Lowndes to deal with the subject—unless, indeed, it might be his great ally, the late Edwin Wilkins Field, my dear old master, friend, and partner, from whom he quotes freely in the pamphlet in question, and who has done, perhaps, as much as any man ever did to improve and purify the administration of the law. It was with a mournful interest that in page after page of the pamphlet I read complaints of evils which are still with us, and suggestions for remedies which are still incomplete. In reading these pages, and in considering how many and what great efforts have since been made to remedy the defects so forcibly pointed out, one cannot but feel how great are the inherent difficulties of the subject, and how unlikely it is that we shall any of us live to see a time when "the law's delay" will be a thing of the past, only to be read of in books, and smiled at as an error of the past. Suffice it for us to know that honest efforts, in which we bear our part, have been and are being made to reduce the evil within such reasonable limits as are consistent with the infirmity of all human institutions, and to hope that those who follow us will be enabled to succeed where we have failed, and to build with safety on the foundations which we and our predecessors have laid down for them.

Thus, gentlemen, I have, to the best of my ability, shortly recapitulated the legislation, attempted legislation, and other matters of professional interest which have occupied the minds of men during the past legal year. It may well be that I have unconsciously omitted some which I ought to have touched upon, and, if so, I doubt not but that some of you will be able to supply the deficiency in the course of the discussion which will take place by-and-by. The period in question has been one of considerable activity, followed by but small immediate results. The statute book for the session of 1885 will be but a scanty volume; but I for one can hardly regret this, as the changes in our laws during the past few years have been so numerous and so organic in their character that it is well to have a little time given us to review the past, and arrange and consolidate its results, before we make any further steps in advance. Deliberation and caution are quite as needful as energy and enthusiasm in dealing with legal reforms. We know the present evils, whilst those incident to change are not so easily recognized. By no means, however, would I, in a spirit of shrinking cowardice, postpone any well-considered and useful reform; but time is of the greatest importance in maturing opinion on such matters, and I cannot, therefore, regret that time has been given to us. The position we should assume, as it seems to me, with regard to this all-important subject, is admirably expressed in eloquent words by England's greatest living poet:

> "Not clinging to some ancient saw;
> Not mastered by some modern term;
> Not swift nor slow to change, but firm:
> And in its season bring the law."

Wise and just laws, promptly and economically administered by learned and upright judges, assisted by honest and intelligent practitioners, would go far to restore the fabled age of gold, and the very suggestion of the possibility of such a state of things existing in the future may raise a smile on the faces of men who look with fear rather than hope towards that future which so steadily and so rapidly makes of itself the present. And yet, gentlemen, is it not true that every one of us has it in his power to do something towards the desired end? Little it may be, but still something; and we need not look beyond the physical world around us to see what may be, and, indeed, are, the gigantic results of the accumulation of small individual efforts—efforts, indeed, so small individually as almost to escape human observation, and in comparison with which the smallest result of human volition is vast indeed. Let us, then, take heart, and each to the best of his ability and in his appointed place, through good repute and evil repute, play his part in the great battle that is ever in progress and ever recommencing against injustice and wrong. No one who looks into the future with clear and unprejudiced eyes can, I think, fail to see that we are on the eve of changes still greater than those which have already taken place, and that it will depend very much on the spirit in which those changes are accepted by the various classes into which the nation is divided whether they shall prove a blessing or a curse. We, as a class, have exceptional power for good or for evil in all matters affecting the changes brought about by alteration of our laws and institutions; and I trust and believe that we shall use those powers with wisdom and moderation, and in so doing help on rather than obstruct the great work which lies before us.

Mr. C. T. Saunders (Birmingham) said that as the predecessor of Mr

Roscoe in the chair of the society he had great pleasure in rising for the purpose of proposing a vote of thanks to him for his most excellent and able paper. He was sure the resolution would be responded to with more than customary enthusiasm. Mr. Roscoe had travelled over a very wide field, but he (Mr. Saunders) would only refer to two points in the address. The first was the importance of all members of the profession joining the ranks of the society. During his year of office he had gone through the *Law List* for the purpose of ascertaining how the numbers of the society stood in different parts of the country, and he had found that in no less than about seventy centres of population, with a fair sprinkling of the profession in such centres, there was not a single member of the society, and that in an equal number, where the number of members of the profession was really considerable and the population considerable also, there was scarcely a single member. That was a state of things which should be greatly deplored, and which the members of the society should use every effort to put an end to, and he trusted the remarks made by the president would be read far and wide by the members of the profession, and that they would be led thereby to join a society which was the only organization which represented the profession officially in this country, and to belong to which was to increase its influence and strengthen its hand for the good, and to raise the tone and influence, of the profession. The other point he wished to refer to was contained in the remarks of the president upon the serious and unjust aspersions which had been recently cast upon the conveyancing branch of the profession by political speakers and writers in the public prints. These unfounded and unjust remarks he was sure must have been read by everyone present with just indignation, pain, and resentment. The president had exposed the hollowness and injustice of those remarks. They had proceeded from two classes of persons—(1) persons who had written smarting under the restraint imposed upon their improvidence or under the results occasioned thereby, and (2) by political writers, he was sorry to say, of either party in the State alike, who had been too ready for their reputation to throw such a convenient tub to the whale. He hoped the remarks of the president on this subject would also be read far and wide in the country, and that this was the last they would hear of remarks which had no foundation whatever in fact and which were utterly inconsistent with the character of a high-minded, independent, and honest profession. He concluded by moving "That the sincere and cordial thanks of the society be presented to the president, Mr. Henry Roscoe, for his very able address, and in particular for the protest which, on behalf of the conveyancing practitioners, he has made against the unfounded attacks recently made upon them by political speakers and writers."

Mr. Gray Hill (President of the Liverpool Law Society) seconded the motion, remarking that it had been said by a great writer and great speaker that you cannot indict the whole nation. A noble duke had apparently yet to learn that you cannot indict a whole profession, and a little common reflection would have told him that the profession is made up of the same flesh and blood which takes its walk in any other path of life, and it was impossible that the profession could be composed entirely of tricky, greedy, or selfish men. But they would find that when general charges of this kind were made they were dictated by a particular grievance, particular chagrin, or particular resentment, and he must confess that when he read the letter in the *Times*, written by the noble duke in question, he had been reminded of a couplet, written by a great poet of the last century, about a great ancestor of his, and he wondered

> "What strange experience trophied arches, storied halls invade,
> And haunt his slumbers in the pompous shade!"

The vote of thanks was passed with acclamation.

Next Year's Meeting.

The President said the York Law Society had kindly invited the society to meet at York next year, and the council had accepted the invitation.

Land Law Reform.

Mr. J. Hunter (London) read a paper with this title as follows:—

He said, if we may judge by the addresses and speeches of the numerous persons who are candidates for the next Parliament, one of the first subjects which will come under its consideration will be reform of the Land Laws; and as this is a subject which, in whatever manner it is dealt with, must greatly affect our profession, no excuse need be offered for considering it at this meeting. The time has gone by, if it ever existed, when it was the pecuniary interest of Solicitors to find or to make difficulties in the transfer of land from one person to another; our interest is now to promote such transfers to the greatest possible extent, and to have them quickly and economically carried out, for the simpler and easier transfer of land becomes, the more numerous the dealings in it will become, and the more profit there will be to those who conduct the dealings. Now, there are two classes of difficulties in dealing with land—the one natural, and inherent to it, the other purely artificial. The inherent, or natural difficulties, arise from the difference between land and what we now call personal property. If I want to invest in stocks or shares, so long as I get, say, £1,000 Consols or Great Western Stock, I am content. A jobber or broker, knowing that one £1,000 is as good as another, and knowing that there is a more or less regular demand for the stock, of which millions exist, all of exactly the same value, will always contract to buy or sell, whether he has the stock, or has a buyer for it in view, or not, feeling sure that if I do not want it some one else will; but if I want to buy a house, or an acre, or 100 acres of land, I want some specific thing, no other will suit my turn; and a special bargain for that particular thing, and no other, must be made between the vendor and the purchaser. This essential difference will always prevent land from becoming marketable at a quoted price day by day, as stocks and shares and that class of investment are, and no legislation can remove this difference. Again, land (almost alone of all forms of investment) is generally in the occupation of some person other than the owner. This necessitates the existence of some document or record to show the ownership, and of some other document or evidence to show the terms on which the person actually in possession occupies. It may be 99 years' lease, or 21 years' lease, or a short tenancy, and on every transfer, whether of the owner's interest or the tenant's, the buyer must find out all the terms and incidents of tenancy. Further, there may be rights in land other than those of the owner and the tenant—the minerals beneath may belong to a stranger, who may have rights to enter on the surface to work the minerals—or there may be rights of drainage or laying pipes underneath, or rights of way over it, or rights in adjoining owners to prevent erection of buildings on, or other user of the land bought, which may affect it. All these things must be examined into, and their existence or non-existence ascertained and proved, before a man can safely purchase land, and it seems to me impossible to get rid of the necessity for these inquiries and investigations as between buyer and seller, but the other class of difficulties in dealing with land are purely artificial—the creatures of legislation, and still more of judicial decisions—and these I think may be almost, if not entirely, got rid of by legislation.

The first and most serious difficulty arises from the law that enables trusts to attach to land. In dealing with personalty, a purchaser cares not whether the owner is trustee or beneficial owner—he gets a transfer from the legal owner, and the equitable owner has no claim against him, whether as between the legal and equitable owner the former was or was not justified in selling, and whether or not the legal owner accounts to the equitable owner for the purchase-money. But in dealing with land, a purchaser must first trace the legal title, which is comparatively easy; then he must trace the equitable title of the land; then he must trace the legal and (unless specially protected) the equitable title to every separate charge which has existed on the land for the last forty years; then he must negative the right of every person who could by chance have had a title, *e.g.*, he has to enquire whether the widow of any former owner married before 1834 is living and is entitled to dower—or whether any former female owner made a settlement on her marriage; then he must ascertain that every person who has acquired the property since 1853 (32 years ago) through a death has paid the proper duties to the crown. He must ascertain that there are no other crown debts—no lis pendens—no improvement rent charges—no rent charges under the Agricultural Holdings Acts (of which no register exists) or the other numerous Acts authorising charges on land. He must satisfy himself by certificates of births, deaths, and marriages, of the legitimacy of anyone who, during the forty years, has inherited the property by descent or acquired it under the trusts of a family settlement. When he has at length ascertained that the property is vested in the vendors, and that they have a right to sell if they are trustees (as is frequently the case), he must ascertain that the conditions of sale in the contract are not such as the court will think improper, and having obtained a conveyance duly executed by the vendors, properly witnessed and authenticated in every way, he may still find he has lost his money and got nothing, if he pays his purchase-money to an agent of the vendors authorised by them in writing to receive the purchase-money, and entrusted with the title-deeds for delivery to the purchaser, if the agent does not duly pay over the purchase-money after he has received it to his principal. What would stockbrokers say if, before they could sell £1,000 stock or Consols, they had to show to whom the Stock had belonged for the last forty years—to show that all duties which had accrued to the crown during that period had been paid? That every person to whom the stock had descended by death during that period was legitimate; that no former owner had acquired the stock by voluntary gift, and if the actual sellers were trustees, if the purchase-money could only be paid to them in person or to their bankers. Would 10s. per cent. be considered a sufficient remuneration for this? Would not the necessity for such proofs put a stop to 99 per cent. of the business of the Stock Exchange? Why should owners of land continue to be liable to these disabilities which owners of no other class of property are under? All this class of difficulties can be abolished by the Legislature; and if they are abolished, I believe that land can be transferred by as simple a form of transfer, and at a cost of ½ per cent., in addition to stamp duty and official fees, quite as easily as stocks. To put an end to these artificial difficulties would no doubt require a careful examation of the law as now established, partly by Act of Parliament, but much more by judicial decisions; but the main line on which such a reform should proceed is, I think, to abolish as far as possible all the artificial differences created by law between real and personal estate, and with this view I suggest that Parliament should pass an Act:

1. To prohibit the creation of any legal estate in land in future, except fe simple, and terms of years certain.

2. To enact that trusts should not attach to land, but that the legal owner of a fee or term of years should have all the powers of dealing with it that an absolute owner has.

3. That the legal estate, whether in fee or for a term, should vest in executors or administrators of the owner on death.

4. That Crown debts, succession duty, &c., should be a charge on the lands in the hands of the owner only, and not of a purchaser.

5. That dower and estates by courtesy should be equitable interests only, and should not affect the land in the hands of a purchaser or tenant.

6. That no rent charges under Agricultural Holdings Act, or any other Act, should bind land in hands of a purchaser unless registered.

7. To repeal the Satisfied Terms Act, and enact that terms of years should only put an end to by expiry, surrender or ejectment.

8. That the time for bringing actions to recover land should be shortened to six years, the time now allowed for actions to recover personalty, and that all exceptions to the Statute of Limitation in favour of the Crown, the Church, infants, and others under disability, be repealed.

9. That the statute of Elizabeth against fraudulent conveyances should be

repealed, and that gifts of real property should stand in the same position as gifts of personalty, liable only to be upset under the Bankruptcy Laws.

10. That the canon of construction laid down by the Wills Act, that a devise by a testator of land transfers all his interest in it unless the devise is in terms limited, should apply to deeds. This done, a transfer of land in fee simple, or of a lease, would require fewer words than those contained in the form of transfer of stock now in use, except for the purpose of describing the land.

If such a scheme were adopted, a register of deeds, not of titles, would, I believe, be very useful. I think that the register should contain the particulars usually found in the Middlesex registry, *i.e.*, the date, names of parties, the parcels, and the words of grant or the habendum. This would enable anyone searching the register to trace the legal estate, which would be all that a stranger would be concerned in. To make the register of any value no deed, will, grant of administration, or order of court, lis pendens, contract, drainage or other rent charges, writs of execution, adjudication in Bankruptcy, winding up petition, or any proceedings intended to affect land, and no charge of any sort should affect the legal estate in land, unless and until registered, notice or no notice. A person having any equitable interest in land, a mortgagor, or second mortgagee, should have power to register a distringas or caveat to prevent dealings with the land without notice to him. On the death of one of the joint owners of land, evidence of his death should be registered, and the entry on the registry should be sufficient protection to a purchaser from the survivors. Judgments in ejectment, adjudications in bankruptcy, and winding-up orders should also be registered. A separate register in each county, with a general register in London containing duplicates of all the county registers, I think would be the best plan for registration. The register should be open to the public for searches — not closed like the present Land Registry. For the purpose of registration, and to facilitate searches, it would be desirable to have plans on all conveyances of the fee, and on all leases; but I doubt whether it would be right for the law to compel this until the Ordnance maps are available for the whole country. Instruments should be registered on production without requiring proof of execution, and on payment of a moderate fee sufficient to cover the expenses of the office. I see no necessity for a memorial: the officials of the registry would be quite as capable of extracting from the deed the particulars to be registered as of examining a memorial to see that it contains the necessary particulars. If the alterations in the law above suggested were made, it might possibly facilitate frauds by trustees of land, and so diminish the security of persons having charges on land; but trustees of land, or mortgagees, would have no greater facilities than trustees or pledgees of stock now have of transferring the property held by them to strangers for value, and thus removing it out of reach of the persons beneficially interested or entitled to redeem, and Lord Cairns' Settled Land Act and Conveyancing Act have already given such facilities to tenants for life to sell land without the concurrence of persons entitled in remainder, or of incumbrancers of different sorts, and to substitute personal property vested in trustees for the charges on land that remaindermen and incumbrancers would be exposed to very little if any more risk than they are now liable to. It appears to me impossible to continue the absolute security which persons having equitable interests in land formerly had, and at the same time to make the dealings with it between buyer and seller simple, and the suggestions made in this paper are made on the assumption that the latter is the object to be arrived at. If the register is a register of deeds, not of titles, it would be as necessary as it now is for a purchaser or mortgagee to get possession of the deeds, and this necessity would enable advances to be made on the deposit of deeds, and by means of distringas on the register persons advancing on deposit of deeds, or on subsequent equitable charges would have as much if not more security than they have now; but either by legislation or by judicial decision it ought to be clearly laid down that where the question arises which of two innocent persons is to suffer loss by the fraud of a third, the loss should fall on the one who employed the perpetrator of the fraud as agent in any capacity which gave him the opportunity to commit the fraud; and if the question of agency does not occur then, on the one who, by want of vigilance, enabled the fraud to be committed. The recent cases of Manners *v.* Mew, in which a mortgagee, who instead of insisting on having the title deeds of the mortgaged property handed over to him was satisfied with excuses for their non-delivery, was held not to have been guilty of negligence sufficient to postpone him to an incumbrancer, who subsequently advanced money without notice of the first mortgage, and took the precaution of obtaining the deeds, shows the uncertainty of the law at present. The scheme suggested in this paper would, I think, render transactions in land in the future as simple as it is possible to make them. Existing titles are so complicated that I can see no way to simplify them except by compulsory registration of title, a remedy which experience has shown to be worse than the disease, and I should advocate leaving the existing titles to wear themselves out, which they will very rapidly do if on the first dealing with them the system here proposed is adopted, and especially if six years is adopted as a limit for actions. This is not a proper place for the discussion of political projects, and therefore I have abstained from alluding to the numerous projects for altering by legislation the rights and obligations of landowners, whether by abolishing primogeniture, compelling the enfranchisement of leaseholds, prohibiting settlements, or in any other way. I assume that our object, as lawyers, is to leave the owners of land the same freedom to do what they like with their land as the owners of personal property have, and I have only endeavoured to point out the mode in which dealings between man and man may be made simple and safe. If the Legislature can ensure this, no one will have more reason to be thankful to them than the members of our profession.

Mr. T. G. Lee (Birmingham) read a paper on

Free Land League.

In the course of his paper he said that:—The Free Land League, which contains amongst its members many influential names, states that it exists to promote the following objects:—

(1) Abolition of the law of primogeniture.
(2) Abolition of copyhold and customary tenure, and obsolete manorial rights.
(3) Prohibition of settlement of land upon unborn persons, and of the general power of creating life estates in land.
(4) Conveyance by registration of title; all interests in the property registered to be recorded.
(5) Provision for the sale of incumbered settled property.
(6) Preservation of commons, and of popular rights over land and water; and restoration of any illegally taken away in recent times.
(7) Enfranchisement of long leaseholds.
(8) Amendment of the law of landlord and tenant, calculated to promote and further to protect improvements.
(9) To promote the acquirement of land by the people for residence and cultivation both by general laws and by the instrumentality of municipalities and other local bodies.

He discussed in detail each of these proposals.

With regard to No. 4, "Conveyance by registration of title; all interests in the property registered to be recorded," he said:—This is of course an old subject of discussion at our meetings, and it is still maintained by some sanguine writers and speakers that its adoption would be a great boon to the public. Such writers appear not to be fully acquainted with the real difficulties of the subject which they have to deal with. The public ought really to understand that if at the present time A., an absolute freeholder, with a perfectly simple title, desires to sell his land to B., the transaction can be carried out in strict privacy almost as quickly as a transfer of railway stock, and at a very moderate cost; and the registration of A.'s title would not facilitate the transfer to any appreciable extent. If, however, A.'s father, having himself mortgaged the land, devised it to A., subject to various charges for a widow and for A.'s brothers and sisters, and if A. has mortgaged the property to several successive mortgagees since his father's death, and has settled the equity of redemption on his wife and children, the transfer of that property, with a due regard to the protection of all parties interested, cannot possibly be made a simple transaction, and no compulsory registration of title will make it so, if all interests in the property registered are to be recorded, as proposed by the programme we are considering. If no such interests were to be recorded, and the executors or administrator of every deceased person were to be absolutely empowered to dispose of his real estate, and to confer a valid title on a purchaser, just as they can now do in dealing with railway stock, the conveyance of land on sales would no doubt be greatly simplified; but such simplification, if desirable, could be effected just as easily without any provision for compulsory registration of title, with which it is not necessarily connected in any way. The necessary publicity of registration of title is also a very strong argument against its adoption. The advocates of registration of title therefore always appear to me to be placed in the following dilemma: If the vendor's title is really simple, registration confers no advantage either on him or the purchaser; if the vendor's title is in fact complicated, registration cannot make it simple. The experience of previous and existing Registration Acts in England is a strong argument against the adoption of this plan. I have known several instances of persons who had registered their titles being compelled by various circumstances to take their properties off the register, greatly regretting they had ever placed them there. On the whole, I submit that we, as a profession, ought not to oppose (as we never have done) the existing or any other plan for permissive registration of title, which may be advantageous in certain special cases; but that we ought, in the interest of the public (even more than in our own interest), to strenuously oppose the adoption of any compulsory system of registration, which would make it practically impossible for a business man to raise money on security of his land, either at his solicitor's or his banker's, without divulging the fact to the public, and placing it on record for ever in the official register. If any such plan were to be adopted, I feel confident that it would add to the cost of conveying land, and that it would speedily be condemned by the commercial and manufacturing portion of the community.

He concluded by suggesting that "we, as a profession, should support objects 1, 2, 5, 6, and 8 of the programme; that we should not oppose object No. 4 provided the registration is permissive only; and that with regard to object No. 3, we should treat its adoption as entirely premature and undesirable until a longer period has elapsed from the passing of the Settled Land Act. With regard to objects Nos. 7 and 9, while not opposing on principle the conversion of leaseholds into freeholds, or of tenants into proprietors, we ought to protest most strongly against the Legislature conferring on A. the right to take B.'s land from him against his will, except under circumstances of the most paramount public necessity."

At the conclusion he observed that solicitors should bring their opinions before the public without waiting for the result of legislation. He thought it was their duty to make these known on matters with which they were acquainted, and when politics came so near as to suggest all kind of revolutionary changes, whilst those who proposed these changes did not take the trouble to ascertain what the state of the law was. He hoped the meeting would pass some resolution expressing their opinion upon the absurd quack remedies which had been suggested in so many places during the last few months.

Leasehold Enfranchisement.

Mr. George Layton (Liverpool) read a paper on this subject, in which he said that the consequence of the present system of building leases is

that by far the greater number of erections which are put up on leasehold lands are so put up by enterprizing builders, and are well known as "builders' houses." The object of most of the speculative builders of the present day appears to be to put up houses as cheaply and as rapidly as possible, and, as I need hardly remind you, this cheap and hasty work does not tend to the erection of substantial, comfortable, or healthy houses. It was stated by a member of this society last year that the lessee got the land for ninety-nine years, and built such a house as he thought fit, and the landlord took a small rent because he knew that in time it would fall in. This, I have no doubt, may be the case in some few instances; but, so far at all events as my experience and observation extend, the lessor demands and obtains a rental which is very much more than the actual letting value of the land as land—a rental which can only be obtained because the freeholder knows that the land is actually required by reason of the growth of a town, or from some similar cause. Land, like water and light, is an absolute necessity to all men. We are terrestrial beings, and however small our wants may be we must all have some little space on which is erected the dwelling in which we live, or the premises in which we carry on our business. When Parliament confers powers on a company to supply a community with water or gas, it carefully inserts a clause in the Bill sought for by which it limits, for the protection of every individual of that community, the charges which the company may make for the supply of the commodity; and, moreover, powers have been, again and again, granted by the Legislature to municipal corporations and local boards enabling them, for the benefit of the communities whom they represent, to compulsorily acquire the powers of water and gas companies, and this in the face of strenuous opposition by those companies. Landowners are even greater monopolists than water or gas companies. Why should Parliament, then, not throw its ægis over the people, and give them some reasonable aid and protection in this matter? It must be borne in mind—and this I have already casually referred to—that when a lessee, under a building lease, has erected his building, be it residential or business premises, the value of the building very greatly exceeds, in nearly all cases, the value of the land, and the result is that, at the expiration of the term, be it seventy-five or ninety-nine years, or any other period, or on the earlier ending of the lease by forfeiture or otherwise, the lessor—after having received a very ample rental for *his* interest in the premises—comes into possession of a property which has not cost him a single penny, but which has been formed at the sole cost of the lessee, and which, during the whole continuance of the lease, has been insured against loss or damage by fire at the expense of the lessee. It has been contended that no man need become a tenant unless he chooses, and that freedom of contract must be maintained. Where is freedom of contract when the power to demand is all on one side, and there is no third party who can be called in to settle terms? If a town must extend, and residential and business erections must be put up, and the only land available is in the hands of one or more landowners, who will grant no leases except on their own terms, where is the freedom? In no other country, I believe, does the building lease system prevail to the extent it does in this. France and Russia appear to be the only European countries where the system can be said to be at all common. In Austria, "the houses are freehold, and land is not let on long building leases." In Bavaria, "the system of leasing land which prevails in England is altogether unknown." In Belgium, "a building lease if entered into would not be illegal, but, as a matter of fact, houses are, as a rule, freehold property." "Leaseholds," there, "exist only to a very limited extent, and are tending gradually to disappear." In Denmark, "it is customary to lease lands and tenements on two lives' tenure, but, in this case, the tenements built by the lessee do not escheat to the landlord at the end of the term. He has the choice of either purchasing them at their official valuation, or ordering their removal by the tenant's heirs." In Germany, "the building-lease system of tenure could be created by a special covenant, and would not be illegal, but no case of such a contract has been recorded." In Greece, "the practice of letting ground on building leases is almost unknown, and freehold property is the almost universal custom. In the exceptional cases, when the houses are let the landlord is bound to keep the house in repair, and to pay all taxes and rates." In Italy the tendency is to make all property freehold, and easily transmissible. In the Netherlands land is constantly sold, both in small and in large lots, for building purposes, and in such cases is "sold, almost without exception, unconditionally, so that both the land itself and the houses or other buildings erected thereon by the purchaser become his absolute or freehold property." In Norway building leases are in vogue, but with this important difference from the English system, that on the expiration of the lease the tenant remains owner of the house, and is at liberty to remove it. In Portugal nothing corresponding to the English system is known, but in Russia it prevails to a considerable extent. In Poland, Finland, and the Baltic provinces cases of the kind are very rare, and when they do occur it is generally stipulated that upon the expiration of the lease the lessee may remove his buildings if the landlord will not buy them. Dwelling-houses in Spain are mostly freehold, and the system of letting land on long building leases is unknown. In Sweden the tenure is generally freehold; where leases are given, the tenant at the end of the term is entitled to remove any buildings he may have erected. In Switzerland "absolute ownership" is the only condition known. These statements I make on the authority of "Reports by Her Majesty's Representatives Abroad on the System of Tenure of Dwelling-houses in the Countries in which they reside," which was presented to both Houses of Parliament last year.

Leases in this country may be divided into two classes:—(*a*) Leases for lives; (*b*) leases for years. It is difficult to conceive any ground upon which leases for lives (except possibly in exceptional cases) can be defended. All that is objectionable in the cases of leases for years exist in the cases of leases for lives; and, in addition, there are introduced the element of uncertainty as to how long the lease will last, and the hardship of having to produce the persons or person on whose lives or life the term depends. As Mr. Rubinstein, in his very able paper on the subject of "The Enfranchisement of Leaseholds," read at the Annual Congress of the Association for the Promotion of Social Science last year, writes, "The law has prohibited lotteries and other provocations to gambling. Leases for lives are gambling in its worst form, and are doubly objectionable, because the lessee is not given any option but to take the property on these terms or not all." Leases for years may, for our present purpose, be sub-divided into—(1) Building leases, and (2) leases of premises at rack rentals. It is in respect to building leases that I feel most strongly that Parliament should confer on lessees and their assignees the right to purchase the fee simple of the freeholder. I have no desire to see a landowner deprived of his land unreasonably, or without proper compensation, but when a man has land which is required for the sites of houses, manufactories, or other premises for the general community, and will not himself build, is it unreasonable that he should be required to give up the land in exchange for its full market value, with, if the occasion properly calls for it, compensation for severance or other injury? Is it just that a person who needs to erect a house or other building should be told that he can only have the land for a limited number of years, and on the conditions that he pays a heavy rental during the term of the lease, that he puts up an erection of a certain minimum value, that he keeps the property in good condition and insured against loss by fire, and that, when the lease is ended, he shall give his building, which may have cost him many thousands of pounds, up, without one penny of compensation, to the man who owns the land, which, without the building, would be of comparatively trifling value? In the case of premises let at rack rentals, I must candidly confess that I do not feel as strongly as many persons do as to the desirability of giving to tenants the right to purchase their landlord's interest; but, at the same time, there can be, I think, no doubt that the more opportunities persons have of acquiring freehold premises for their own occupation the more thrifty will those persons become.

Mr. Howlett (Brighton) said he had recently addressed a letter to the *Times*—which, however, they had not thought proper to insert—giving some experience of his own, which he thought would be interesting and instructive to those who were now so warmly engaged in discussing the subject of land tranffer In 1863 he sold a freehold property for £28,000. The title was very long and complicated, but, by the use of judicious conditions of sale, no difficulty had arisen, and the sale was completed without delay. The purchaser determined to obtain an indefeasible title under Lord Westbury's Act. He could not do this under the title which he (Mr. Howlett) had supplied. His solicitors, therefore, applied to him (Mr. Howlett) to furnish the older title, and assist them in carrying through the registration, to which he agreed. The registration proved a long and enormously costly process, but it was ultimately effected, and he (Mr. Howlett) was thanked by the registrar for the assistance he had given. Twelve years afterwards, a client of his (Mr. Howlett's) purchased five £100 building plots, part of this registered estate. If the title had been left as it was after his (Mr. Howlett's) sale to the vendor—that is, if it had not been registered and made indefeasible—he would have been able to complete this £500 purchase in two or three days, at a cost of £10 to his client. As it was, and notwithstanding all the diligence he could use, it took him more than four months to complete the matter, and the costs came to over £25. Of these costs, the sum of £5 18s. 5d. was disbursed (in eleven different sums) in fees, stamps, &c, to the Land Registry. He might also have added travelling expenses on the numerous occasions on which he had to visit the Land Registry—fifty-three miles from his office—but did not, the cost already being so great. His client was so disgusted at the delay and cost (so different from anything that he had known before) that he took away his dearly-obtained land certificate, and he had never seen him since. His costs would have been as much if he had only purchased one £100 plot. After such an experience as this, it was rather hard to be told, as he was constantly being told, that he and his professional brethren had, from interested motives, hurked Lord Westbury's Act. He could only say that, if that Act had been made compulsory, he would long ago have realized the Duke of Marlborough's otherwise fanciful idea—he would have "fattened on title deeds," and retired with an ample fortune, still leaving a fair heritage to his successors. He combated the idea that the practice of building on leasehold caused an inferior class of property to be built. He could point out in Brighton, side by side, houses built under ninety-nine years' leases, and houses of the same class built on freeholds, and there was not an atom of difference.

Mr. G. A. Crowder (London), whilst agreeing with the subsidiary reforms advocated by Mr. Hunter, such as the abolition of legal estate and other absurd technicalities, could not agree with the bold measures he proposed. Land was a different class of property from stock, and it would be necessary to revolutionize the whole system upon which land was held in order to effect a proper reform. The Duke of Marlborough had written the letter to which reference had been made with a sublime ignorance of the subject, and this was the characteristic of all the letters and speeches which had appeared dealing with it. In carrying out the principle of "the greatest good to the greatest number," it was necessary to be very careful about the injustice they were doing to the smaller number. It seemed to him that we had reached a time when everybody thought it was only necessary to snatch at something which did not belong to us. They must show that in depriving a man of his own they were doing greater good than harm.

Mr. W. Melmoth Walters (London) said that not a year passed

without reforms being introduced with regard to conveyancing, and within the course of half a generation solicitors had had to learn their business over again. The question of land was brought into connection with politics, and reforms were being advocated from a political point of view. He was opposed to the registration in the name of a trustee, as that would be giving up one's ownership in the eyes of the world, and it would be giving up the power of dealing with the land. It was reversing the policy of all those Acts of Lord Cairns' which were found to act so well. Lord Cairns' Act gave them all they needed, and Mr. Hunter's scheme of registration might bring about the difficulties of a trustee. It could not be too widely known that there was not an estate which could not be sold by virtue of Lord Cairns' Act. Let them be content with that which acted so well, and let them try it thoroughly before flying to other ills they knew not of.

Mr. GRIBBLE (London) could not see any difficulty in the registration of land that would not equally apply to a class of property much dealt in in Liverpool—namely, the registration of shares of ships. A ship was a class of moveable property very analogous to land, and it was frequently dealt with when actual possession could not be handed over; but by the system of registration ships were dealt with, and not only the ships, but the shares in them were bought and sold, and they were mortgaged.

Mr. L. M. BIDEN (London) had had considerable experience of the Land Registry, and was inclined to think its faults were attributable partly to the scale of fees and partly to the red-tapeism which existed in the office.

Mr. RUBENSTEIN (London) moved:—"That this meeting recommends the council to promote the passing of a satisfactory measure conferring on leaseholders the right of acquiring, on equitable terms, the fee simple of their premises." If the society wished to be in the vanguard of reform, they should take up this matter, which was a part of the programme of every Liberal candidate, except one, for the metropolitan parliamentary districts.

Mr. LAYTON (Liverpool) seconded the motion.

Mr. DEVONSHIRE (London) said that, if legislation should go in the direction of enabling a person holding a building lease to buy compulsorily the ground-rent, then it would seem to be capable of working a great injustice, for it would be depriving the owner of that ground-rent and compelling him to take cash instead of income. Might there not be some middle course, and legislation on the lines that, the freeholder being entitled to ground-rents, he should have the option of taking the money by way of a perpetual rent-charge?

Mr. JOSEPH ADDISON (London) said that he had had considerable experience in connection with the transfer of land, and his impression was that any step for the simplification of the transfer and the reduction of the cost must be carried out in the direction of Mr. Hunter's suggestions. With respect to leasehold enfranchisement, those who proposed it should be prepared to make out a strong case before they left the ordinary arrangement between man and man, not to be modified by their own common sense, but to be brought about by the "shall and shall not" of an Act of Parliament. Three things must be considered—first, What are the mischiefs of the present system? second, Is the proposed remedy a proper one? and, third, Will a remedy, if applied, do more mischief than it will produce good? As to the mischief of the present system, he believed that the supervision of the ground landlord was at least as likely to secure the erection of a good building as if the lessee had built on a freehold, and it frequently happened that, if the builder had to find the money for the freehold, he was less likely to put money in the house. Then, again, the first thing the builder did, if he bought the house, was to endeavour to get an improved ground-rent out of it himself by granting a lease. One great advantage with regard to the building-lease system was that it often produced uniformity on an estate by reason of the ground landlord's stipulation, which was of great advantage to the whole of the tenants. Perhaps it might be said that the landlords used short leases oppressively, but he would have said that this applied rather to long leases than to short ones, and he could hardly think that those who wished for enfranchisement would propose to give the option of purchase to persons who held on very short terms. If the oppression of the landlord was made a matter of complaint, there should be another remedy for it, not that of buying out the lease. He thought Lord Cairns' Act had provided a sufficient remedy, as a rule, against the oppression of the landlord. Then there was a third matter—the tenant's improvements. If a tenant is desirous to improve his house and land, and he finds he cannot get his landlord's consent, that was a subject that should be dealt with, no doubt, and all they had to consider was whether, if they granted this power of enfranchisement, they might do more harm than good. He looked upon the remedy proposed by Mr. Broadhurst's Bill as simply absurd. Any one who had read it and seen what was the machinery proposed would say it was absolutely impracticable. He could not help thinking that the difficulty would be that the landlord would hesitate to grant leases of any length. Then, if houses were to be subject to restrictions, they must either have all the restrictive covenants affecting the freehold property as they did the leasehold, or stand in danger of having the house very greatly depreciated. Then the freeholder would be in this unfortunate position—he would always have the option hanging over his head and never know when it would be enforced. It was not an easy subject to deal with.

Mr. J. T. YATES (Liverpool) said that during the last few years important measures of land reform had passed through the Houses of Parliament, and it appeared to him that it ought not to go forth to the public that solicitors before they knew what the result of these would be, considered as a body that land reform was necessary. A number of speakers had seemed to think that it was a matter of national importance, but they seemed to forget that people in England did not buy land for the purpose of selling it again, or for an investment for a short period. The object of almost the majority in buying land was that they might obtain a possession which they could hand down to their families.

Mr. SMITH (Sheffield) mentioned that in one of Mr. Horace Davey's letters to the *Times* he had said that a cadastral survey would be needed. If this were so, and looking to the time the ordnance survey took, things would be so long delayed that the matter could not affect the present generation.

Mr. AUTY (Sheffield) said it was not for them to destroy altogether the security of tenure which existed for the landlord unless they were sure that there were great compensatory advantages.

Mr. MELVILL GREEN (Worthing) entirely agreed with Mr. Howlett with respect to leasehold and freehold buildings. When properties were getting old a freeholder was no more willing to pull down than a leaseholder.

Mr. ADDAMS WILLIAMS (Newport, Mon.) said he had taken the trouble to inquire about the Scotch system of registration. Every deed was registered in Scotland and no one complained, and if, when registration had been first agitated in 1864, it had been agreed that the title should be registered for what it was worth, and that after twenty years it should be good, most titles would now be such as could be exemplified by a certificate.

At the suggestion of Mr. GREEN, Mr. Rubinstein consented to withdraw the motion, and the meeting adjourned till the following day.

In the evening the members attended a banquet at the invitation of the president and members of the Incorporated Law Society of Liverpool, which was held in St. George's Hall.

Mr. GRAY HILL (President of the Incorporated Law Society of Liverpool) occupied the chair, and between 400 and 500 gentlemen were present, including Messrs. Henry Roscoe, President of the Law Society of England; A. Parker, Vice-President of the Law Society of England; S. Smith, M.P.; E. Whitley, M.P.; Alderman D. Radcliffe, Mayor of Liverpool; Alderman Paterson, Mayor of Birkenhead; the American Minister (Mr. Phelps); the American Consul (the Hon. C. T. Russell); and Mr. Elisha Smith, President of the Chamber of Commerce. Amongst the toasts were that of "The American Minister," given from the chair, and responded to by his Excellency. Mr. J. Thornely gave the toast of "The Mayor of Liverpool," which was acknowledged by Mr. Alderman D. Radcliffe. Mr. T. Bellringer, Vice-President of the Liverpool Law Society, proposed "The Houses of Parliament," which was acknowledged by Mr. E. Whitley, M.P.; and Mr. I. H. E. Gill gave "The Incorporated Law Society of Ireland," which was responded to by Mr. J. Galloway. "The Bench and Local Judges," which was proposed by Mr. Shand, was responded to by his Honour, Judge Bayliss. The Chairman proposed "The Incorporated Law Society of the United Kingdom," which was acknowledged by Mr. H. Roscoe, the president of the society. Among the other toasts was "The Town and Trade of Liverpool," given by Mr. A. T. Squarey, and replied to by Mr. E. Smith, president of the Liverpool Chamber of Commerce.

SECOND DAY.

UNITY OF THE PROFESSION.

The proceedings were continued by the reading of an important paper, entitled "Unity of the Profession," by Mr. THOS. MARSHALL (Leeds), which we propose to print in full next week.

COUNSEL, SOLICITORS, AND THEIR CLIENTS.

Mr. S. LEAROYD (Huddersfield) read a paper on this subject, in which, after describing the powers and rights and remuneration of counsel, and referring to the abuses existing, he suggested one or two remedies:—In the first place, our society and the public should advocate the allocation of particular causes to particular courts, or to particular judges. We sometimes effect changes without securing remedies, and some of us think no reform was produced by abandoning the old Queen's Bench, Common Pleas, and Exchequer Courts. But there surely can be no difficulty when a writ is issued, or a cause entered for trial, in assigning a common law action to a particular court or judge, the same as in the Chancery Division; or let particular judges of the common law division sit as judges in courts of first instance; others as judges *in Banc*, and others in the Court of Appeal, as is done in many foreign courts; and then let counsel, as in the Chancery Division, attach themselves to particular courts. In like manner a further sub-division could, with benefit, be effected. Why should there not be a separate court to which all patent cases should be referred, and one to which cases relating to the winding-up of companies should go, and to which specialists in these branches could attach themselves, as is now done with so much satisfaction with the bankruptcy work under the able presidency of Mr. Justice Cave? And I contend that we, as solicitors, should instruct only those counsel who were attached to these particular courts. It may be that a difficulty would arise with the Court of Appeal, but with a proper regard to public convenience arrangements could be made for the court to take appeals from particular courts on fixed days, as is now done with the Chancery Division, and the particular judge of first instance or judges of the divisional courts on that day could sit in chambers or elsewhere; or, if nothing else can be done, let there be a separate and independent bar for the Court of Appeal. It is quite true that such a reform would act most injuriously to a few leading members of the bar, but it would be of infinite advantage to the bar at large. Leaders in large practice would be engaged only in work they could actually perform, and in this their time would be fully employed,

and the work for which they are now paid, and which they neglect, would go into the hands of those who are now briefless, and who would be thankful for it. The colossal fortunes of the few would cease to be made, and large and substantial incomes would be made by the many who now have little or nothing to do. We and our clients should be infinitely better served by having an advocate of medium ability, who would throughout follow and stand to his case, rather than the most eminent counsel who should run in and out of court at his pleasure. The advantage of such an arrangement to the bar is very ably shown in an article by Mr. Roscoe in the last number of the *Law Quarterly Review*. Again, though I do not advocate the fusion of the two branches of the professions, which is foreign to my subject, and I hope may not be discussed upon it, I do contend that where counsel is absent the solicitor should, as of right, be entitled, as is the case in the courts of France, to conduct the cause of his client, if he chooses, and not see it handed over to an incompetent junior who is an absolute stranger to it. The solicitor who has advised at the outset, taken the evidence and prepared the brief, is often as competent as his counsel to conduct the case. The client, in the absence of his counsel, would, in most cases, wish the solicitor to undertake it; and if counsel be absent from any cause, and the solicitor be present, and able and willing to undertake the case, why should not the client have the benefit of the only other man who knows anything of his case? In cases under £50 only one counsel is now allowed as party and party costs, and why should a successful plaintiff, at his own cost, be compelled, as he often is, to retain two counsel to secure the services of one? If solicitors had given to them the privilege which I suggest, it strikes me we should find the bar, in its own interest, far more frequently in attendance than now. The result, unquestionably, would be a great reduction in costs, for which the Legislature and the judges are now so strongly contending, for the solicitor would practically become his leader's junior, and would, in many cases, be perfectly prepared to instruct one counsel only, knowing that he would himself be at hand if that counsel failed him. But my principal contention is that the relationship of counsel and client should, as far as practicable, be placed upon the same basis as that of solicitor and client; that it should cease to rest upon obsolete and antiquated rules, and should be expressly defined by the Legislature. Once let the relationship of counsel and client rest upon the basis of contract and, to my mind, most of the abuses will disappear. A Bill to secure this was brought in by Mr. Norwood, who has always been a true law reformer, in 1876. That Bill was defeated by a majority which constituted at that time less than the number of counsel then having seats in the House. In 1876 the Council of the Law Society presented a petition to the House of Commons on the subject, in which they expressed their opinion that the present system with respect to the payment of fees and the attendance of counsel was unsatisfactory, and urged the desirability before any legislation took place of referring the whole subject for investigation by a select committee of the House of Commons. There was little or no agitation to secure the passing of Mr. Norwood's measure, or to promote the petition of the society. The society was not then nearly so active as now. I believe it only requires the vigilant action of our society, and of ourselves individually, to effect this reform, which obviously would be so beneficial to all litigants. If there are not many solicitors in the House we should be thankful for the energies of those who are there, and we, as solicitors, should in matters of this kind use our personal influence with members of Parliament who are our clients, and many of whom owe their seats to our exertions. Besides which, I believe, if the case be fairly and truly stated, no leading member of the bar even will stand up to defend the present relationship. If the basis of contract were adopted counsel would be open (unless a fixed scale was provided) to contract for their own fees, and either to stipulate for prepayment or for payment according to the time that might be occupied. Counsel might equally provide for one fee if he personally undertook to conduct the cause, and another fee if he might, in case of necessity, instruct a deputy. It is said that no counsel could depend upon being able to perform any such contract, but this is exactly what is done by the local bar, and by those of us who are in the habit of appearing in arbitrations, and in bankruptcy courts and local courts in different towns. If we engage personally to attend, we so plan our engagements as to provide for it, and we know there are many valuable appointments which we must abandon to enable us to be honest to our clients and keep our engagements. Clients would, upon this basis, be entitled to have the contract performed, and to hold his counsel liable in damages for the negligent breach or disregard of it. It is urged that the inability of counsel to attend a trial would not be negligence. I should be perfectly satisfied to leave that term undefined, as is the case with a solicitor, and to let any client of mine rest his case in such an action upon proof that the counsel contracted to advocate my case personally, and was at the same time, without intimation to me, advocating another cause for reward elsewhere. Authorities would not be wanting to show how, under almost identical circumstances, solicitors have been dealt with. Once let counsel be placed under a legal obligation to perform the services they have undertaken, and for which they have been paid, and we shall soon find the power of the bar to be sufficient to secure a re-arrangement of the courts so as to save counsel from the consequences of a breach of their contract. If counsel was not guilty of neglect, of course there would be no liability, as it is only in cases of neglect and disregard of duty for which I desire to provide; for I start from the basis that, to-day, in a case of *admitted negligence* and utter disregard of obligation, no liability exists, because there is no contract, and can, therefore, be no breach. A member of the bar, writing on the etiquette of the bar, says, "No reasonable objection to the liability of counsel for gross misconduct, as negligence, or breaches of engagement, can be imagined."* Why should counsel be entitled to be paid a so-called "honorarium" of his own dictation, whereas a solicitor is tied down and bound by a fixed scale? Why should solicitors be required to pay a heavy duty upon articles, and an annual certificate duty to practise, however small be his income, and the bar allowed to go scot-free, although all the rewards of the profession fall to the bar, and the large fortunes are made there? The bar has, practically, a monopoly of advocacy in the superior courts. What right has the bar to force its own rules upon the public, and thus protect itself from every kind of liability? I believe if the matter be vigorously taken up by our principal society, in conjunction with provincial societies and the profession at large, a very few years will see great reforms effected; but even in the present state of things we ought to unite to prevent the scandals which exist at the bar. We, as solicitors, ought to refuse to give briefs to counsel who we know undertake and are paid for far more work than they can perform, and who habitually neglect their causes. Such cases we ought to make known to each other, and I personally invite my professional friends to send to me the facts of cases of neglect which come to their notice. We ought also to instruct, as far as possible, those counsel who confine themselves to particular courts, and we ought not, as a rule, to take into those courts counsel who do not regularly practise there. We ought, having regard to our knowledge of the weight of the case and of our clients' means, to see that an ample fee is given to counsel; and, having done this, we ought absolutely to refuse to increase it at the dictation of counsel or his clerk; and we ought, upon any such suggestion, at once to withdraw the brief, and hand it to less exacting counsel. To my mind the fees now paid to counsel are out of all proportion to the importance of the case or the value of the service rendered, and these high fees are ruinous to contentious business. The present condition of affairs is a scandal, and little better than a fraud. There is no hope of the bar moving in the matter. The bar of England have, as law reformers, proved themselves to be of no value to the nation; and the only hope of a change must rest upon an energetic agitation emanating from our own profession and the public. In conclusion, I move—1st. That the Council of the Incorporated Law Society of the United Kingdom be requested to encourage the relationship of counsel and client being placed by legislation upon the basis of contract in analogy, as far as practicable, to that of solicitor and client; 2nd. That the society be requested to advocate the allocating of all causes to particular courts, and the formation of bars attached to those courts; and that solicitors, as far as practicable, instruct the counsel who habitually attach themselves to such courts; 3rd. That in any reform in the trial of causes the society be requested to advocate that the solicitor upon the record shall, in the absence of his counsel, as of right, be entitled, if he elects to do so, to conduct the cause of his client; 4th. That the council be requested to advocate that, so long as the fee of counsel is regarded as a gratuity, solicitors be requested to see that fully adequate fees are indorsed upon their briefs, having regard to the importance of the case and the position of the client; and that, this having been done, any increase of fees, except upon satisfactory grounds, be absolutely refused.

* XVI. Law Review, 89.

How to Recruit the Society's Ranks.

Mr. J. S. Rubinstein (London) read a paper on this subject, in which he said:—In England and Wales there are more than 13,500 solicitors; of these 4,000 only are members of this society. All ought to be members. Membership ought to be looked on by every solicitor as a necessary sequel to being admitted on the rolls. Why, then, have we less than one-third? However active, influential, and eminent in their profession the members of the society may be, there is something wrong so long as the majority of the profession hold aloof from it. The position the society now holds is undoubted, and it would be hard to overrate the obligations solicitors owe to its existence. But if, after being established some sixty years it is found that considerably less than one-third of the body of solicitors are members, the conclusion is obvious that there are defects in its organization, and defects that should be remedied. What, then, are the defects, and what are the remedies? In the first place, the society holds out no manifest and direct gain to be derived from membership. Members of other learned professions, who are also members of their representative associations, are able and proud to make known the fact of their membership, and undoubtedly they thereby advance themselves individually in the estimation of the general public and of their fellow-practitioners. A fellow or member of the Royal College of Physicians or Surgeons raises himself, as well as the dignity of his profession, by adding the appropriate initials after his name. An architect who can write F.R.I.B.A. or A.R.I.B.A. after his name is generally considered, and properly so, to stand higher than one not entitled to use those initials. Every surveyor, every civil engineer of standing, seeks to be known as a fellow of the respective institutes; and accountants have within the last few years formed an institute whose fellows and associates distinguish themselves from other accountants by using the initials that mark their position. The members of the learned societies proclaim themselves members of their associations; and undoubtedly men that in other professions can thus establish their qualifications enjoy an enlarged share of public confidence. Why, then, should not members of our society follow in this respect the practice of other learned professions, and use after their names some initials to denote their connection with the society? If our leading members led the way in adopting this practice, the other members would soon follow, and this would be a standing inducement to other practitioners to acquire the same rights. And surely our society could, with little if any difficulty, obtain an alteration of its charter, giving it the power to elect fellows and associates, who would respectively be entitled to use appropriate initials after their names. In the second place, no sufficient provision is made by the society for social intercourse. The members have little or no opportunity of meeting and knowing each

other as members, except at the provincial meetings. The rooms open to the members in the society's building in London are the hall and library only. These are appropriated for purposes of reading and writing. If conversation, smoking, and refreshment rooms were open to the members, the Law Society would become a centre of attraction, and our numbers would proportionately increase. These advantages are, it is true, offered by the Law Club, but undoubtedly the amount of the entrance fee and subscription deters the bulk of our members from joining the club. The fact that out of our 4,000 members only some 400 are members of the club is sufficient evidence that it has not succeeded in the objects which it is but right to assume its supporters have at heart. In the third place, the members have not sufficient opportunity for meeting and discussing matters of professional interest. The business at the three day meetings that are held in London in the course of the year is, in effect, confined to matters affecting the constitution and regulations of the society, and comparatively few members can be induced to take any interest in such details. The large majority of the members are willing to leave such matters to be dealt with in the discretion of the council in whom they have, and justly have, every confidence. Again, a day meeting is very inconvenient for a large number of busy solicitors. If these meetings were supplemented by periodical evening meetings, at which the business would be similar to that brought forward at the provincial meetings—namely, the reading of papers on questions of practical interest, and discussions on those papers—these meetings would tend to awaken an interest in the society which at the present exists only to a very limited extent. An objection has been made to evening meetings that chance resolutions might be carried which would not express the deliberate judgment of the members, and yet might go forth as resolutions of the society. This objection could, I think, be easily met by extending the regulation that applies to the provincial meetings—that resolutions should be framed simply as recommendations to the council. If evening meetings were held, the repeated evidence that the publicity of our proceedings would give of the society's activity and usefulness might justly be depended upon to attract a continual flow of new members. The question of publicity suggests the thought whether the interests of solicitors are sufficiently studied by any of the existing legal journals, and whether, if not, this society should not, on behalf of solicitors, acquire an interest in, or establish closer relations with, some legal journal, and make it the recognized organ of our branch of the profession. The existing legal journals, admirably managed and edited as they are, reflect undoubtedly the opinions, interests, and wishes of members of the bar. The interests of solicitors receive comparatively slight recognition. Important meetings of our society pass without a word of comment, and in other ways the scant interest taken in the welfare of our branch of the profession is made apparent. Our society is certainly sufficiently powerful and influential to assure the success of a legal journal conducted under its auspices. Probably any of the existing legal journals would gladly enter into arrangements by which it would become the recognized organ of the society. Such an organ would, it is safe to predict, obtain, in a very short time, the support of all solicitors, whether or not members of our society. The advantages our society would derive from having a recognized publication are too obvious to need any special enforcement. My suggestions, in short, are these:—1. That members should use, in the ordinary way of their profession, some letters after their names denoting membership of this society. 2. That additional facilities should be given for social intercourse, not merely in the provinces, but in London. 3. That more frequent and convenient opportunities should be given for discussing matters of interest to the profession. 4. That the society should be properly represented in the legal press. If these suggestions were adopted, I firmly believe our society would, in a very short time, be strengthened by a considerable addition to the number of its members, and would rise sensibly in public estimation. With quickened life and increased numbers would come an increase in the influence the society ought always to exert in the interests of the public and of the profession.

Discussion.

At the suggestion of the President, the discussion on these papers was taken together.

Mr. Yates (Liverpool) seconded the first of Mr. Learoyd's motions, as follows:—"1st. That the Council of the Incorporated Law Society of the United Kingdom be requested to encourage the relationship of counsel and client being placed by legislation upon the basis of contract in analogy, as far as practicable, to that of solicitor and client." He would hardly go so far as to say that counsel were actuated by anything like bad motives, but agreed that the mode in which cases were conducted, and the recklessness with which briefs were taken was a grievance for which counsel were very frequently to blame.

Mr. W. J. Fraser (London) suggested that the proper course would be to invite the council to repeat in a more emphasized form the action they took in 1866, with the view of getting a royal commission to take into consideration the *status* of the profession. He would move, as an amendment, "That the council be requested to take such steps as they may think fit with a view to procuring the appointment of a royal commission to inquire into the relationship which now exists between counsel and client, with a view to that relationship being placed on a more satisfactory and business-like basis." Before they agreed to say that it was desirable the relationship should be altered, they ought to say in what broad form it should be.

The President suggested that Mr. Learoyd said as much, but left the *modus operandi* to the council.

Mr. Fraser said that if the president thought so he would not press the amendment, and therefore withdrew it.

Mr. Shackles (Hull), with the object of forwarding the proceedings, seconded the three other resolutions, as follows:—"2nd. That the society be requested to advocate the allocating of all causes to particular courts, and the formation of bars attached to those courts; and that solicitors, as far as practicable, instruct the counsel who habitually attach themselves to such courts. 3rd. That in any reform in the trial of causes the society be requested to advocate that the solicitor upon the record shall, in the absence of his counsel, as of right, be entitled, if he elects to do so, to conduct the cause of his client. 4th. That the council be requested to advocate that, so long as the fee of counsel is regarded as a gratuity, solicitors be requested to see that fully adequate fees are indorsed upon their briefs, having regard to the importance of the case and the position of the client; and that, this having been done, any increase of fees, except upon satisfactory grounds, be absolutely refused."

Mr. Miller (Bristol) pointed out that if they were to follow out Mr. Learoyd's able suggestions by legislation making the relationship of barrister to be that of a contract, they must take care that it did not lead to making the barrister assert his right of taking his instructions direct from the client, and doing away with the intervention of the solicitor altogether. It had already been held by the Court of Appeal that the barrister in court represented his client and not the solicitor for whom he was acting.

Mr. Melvill Green (Worthing) thought there was no necessary connection between the four resolutions. He was by no means in favour of the first, and thought the third should be tried before the first was attempted. He considered the third most beneficial, because that would lead the bar to correct the evil. The second pointed in the right direction. The difficulty really arose not so much from the leaders of the bar themselves as from the ridiculously feeble way in which the cause lists were prepared. It was impossible to know until about two hours beforehand what chance there was of a cause coming on. When these two things had been done as far as could be, it would be time enough to consider the very great change involved in the first resolution. He was not at all certain that the power of bringing actions of negligence would have a beneficial effect upon the proceedings of the bar.

Mr. B. Wake (Sheffield) said that he had at a former meeting read a paper advocating that a continuously sitting court in London would be the greatest boon to the profession and the public. He had shown that country solicitors could go up to London and always get the best advice both by agents and counsel, and if they went up to London and spent the whole week their time was well occupied, the cause was tried, and they knew within something like reasonable limits when the case was to end. Under the present system there was very great delay, and injustice was caused thereby every day.

The President supposed Mr. Wake referred more particularly to the Chancery Division. They probably knew that a committee had been sitting under the direction of the late Lord Chancellor, and one of the great subjects before that committee had been the question of the continuous hearing of witness causes in chancery. The subject had been fully discussed, and suggestions had been made by the committee and sent in to the present Lord Chancellor, and it now rested with him to say what should be done. Whether the resolutions of the committee would be adopted by the Lord Chancellor or the Rule Committee of the Judges—if he referred it to that body—and whether they would remedy the evil was of course to be seen.

Mr. Gray Hill would like that the relationship of counsel and client were put on its proper basis by making the matter one of contract, but he wished it could be done by the bar rather than by solicitors, because he thought that a hostile feeling might be raised on the part of the bar. He thought it would follow that if barristers took instructions from clients the solicitors would have the right of audience. It would be impossible to adopt Mr. Learoyd's suggestion, and take the brief back again.

Mr. Layton (Liverpool) asked, with regard to the third resolution, whether that would enable a London agent to act in the absence of the country solicitor. He thought it rather an important matter that it should be intended to do this, because there was a very great tendency on the part of judges to hear the facts and reserve the argument on the legal questions to London, and it was necessary that counsel should be briefed to attend in London.

The President thought that the wording of the resolution was probably sufficient, as the agent was on the record, but, if necessary, provision could be made in the Act which would be necessary.

Mr. Marcetts thought that, to alter the position of the bar would be highly injurious to the country, and probably to the profession and solicitors. If the barrister had his mind in any way warped by fear, the result might be extremely disastrous.

Mr. Corbett (Manchester) thought it would be a misfortune, because the barrister would be deprived of the independence of action which he at present enjoyed, but argued against their being warped by fear.

Mr. Crowder (London) said this was the old question of the amalgamation of the profession. He objected altogether to the mixing up of the two branches. If they attempted to take a man who had been trained to a particular trade and placed him at another, he would not do well at it.

Mr. Winch suggested that a committee of the council should be formed to consider the matter.

Mr. Learoyd wished to propose, in place of the fourth resolution, the following:—"That the entire question of the relationship of counsel and clients be referred to the Council of the Law Society for consideration, with a view to the subject being brought before the Bar Committee, or being considered by a combined committee of the Law Society and the bar."

The President said that was very vague, and thought the meeting should adhere to the resolution.

Mr. Pollard (London) submitted that, if instead of paying counsel's fees

when the brief was delivered, solicitors would only do so after counsel had attended to the case, it would certainly meet the difficulty to some extent.

Mr. CROSSFIELD (London) asserted that the remedy rested entirely with solicitors. If solicitors would treat a barrister who did not attend to his cases in the same way that a barrister treated a solicitor who did not pay the fee the evil would cease. But 999 times out of a thousand barristers were an honour to their profession.

Mr. ALLSOP (Liverpool) said these evils had been growing for years, and the bar had not attempted to deal with them, and, therefore, it remained for solicitors to suggest a remedy. He thought that many members of the bar would hail with pleasure any change which would enable them to recover their fees when earned.

The first resolution was then put, and was adopted by a small majority.

The PRESIDENT put the second resolution.

Mr. YATES moved as an amendment, "That it be referred to the Council of the Incorporated Law Society to consider the question of the relationship between counsel, solicitors, and clients, and to act in the matter either by conference and arrangement with the bar or by application to the Legislature as they may deem desirable."

Mr. FRASER submitted that was not an amendment to the second resolution.

The PRESIDENT did not think he could say it was out of order.

Mr. WINCH seconded the amendment.

Mr. YATES withdrew the amendment, stating that he would move it as a resolution when the others had been disposed of.

The resolution was then adopted by a large majority.

Resolution No. 3 was also adopted by a large majority.

The PRESIDENT put the fourth resolution.

Mr. LEAROYD wished to amend it by striking out "and the position of the client," and altering the motion as follows: "having regard to the importance and circumstances of the case," but eventually, in obedience to the evident feeling of the meeting, withdrew the resolution altogether.

Mr. YATES also said he would not move his proposed resolution.

Mr. LEAROYD urged, with reference to Mr. Marshall's paper, that the council should, at the time of the election of council, send to country members some suggestions for their guidance as to which candidates they should select.

The PRESIDENT observed that such a course had at one time been followed, but, owing to an expression of feeling on the part of some of the members, it was not now followed.

Mr. SAUNDERS said there was no man in England to whom the profession were more indebted for his labours with regard to the organization of the profession than Mr. Marshall.

Mr. LOWNDES (Liverpool) suggested that the certificate entry fee of five shillings charged by the society should be increased, so that every member of the profession should become a member of the society when his certificate was entered. He also suggested that the society should have the power of expelling members of the profession, as was the case with the bar, instead of taking them before the judges.

Mr. OSBORN (Sheffield) urged that arrangements should be made for bringing country societies and their members into connection with the principal society.

PROVINCIAL SITTINGS BILL.

In the afternoon Mr. W. H. S. WATTS (Manchester) read a paper on this subject. He said:—As the writer of a paper on "The Administration of Justice in Lancashire," which was read before the Manchester Statistical Society in March last, and has since been circulated by the Incorporated Law Societies of Manchester and Liverpool, I have been asked to bring the subject before this meeting. There will be few of my hearers who are not acquainted with the nature of the changes proposed to be accomplished by the Provincial Sittings Bill, but perhaps I may be excused for reminding you that they are mainly these (so far as Lancashire is concerned, for I intend to confine myself to the case of Lancashire)—viz., the substitution for assizes of sittings to be held by judges of the High Court in districts to be constituted under the Act, at the same times, and interrupted only by the same vacations, as the sittings of the High Court in London; and provisions for the trial at such sittings of issues of fact, or law, or partly of fact and partly of law, depending in the Chancery Division, Queen's Bench Division, or Admiralty branch of the Probate, Divorce, and Admiralty Division, commenced and pending in any district registry, arising wholly or in part, or in respect of which the place of trial is laid within the respective districts, which are capable of being tried, heard, or determined by a single judge of the High Court; and for the exercise of any civil or criminal jurisdiction capable of being exercised by a single judge of the said High Court, sitting at *Nisi Prius*, or as a divisional or other court, consisting of a single judge, or by a judge sitting at chambers; and for the trial or disposal of all actions, petitions, matters, and issues of fact, though not commenced, or pending in any district registry, whether or not arising wholly, or in part, within their respective districts, but sent down or appointed for trial in the district; and for the trial and disposal of issues of fact in the Probate and Divorce branch of the Probate, Divorce, and Admiralty Division of the High Court of Justice, appointed or sent down for trial or decision in the district; also for the hearing and determination of appeals from district registrars, and summonses adjourned to the judges by the district registrars. The assize system itself, antiquated and cumbrous as it is, originated in the recognition of the true principle, truer now than it was then, that the tribunals of justice must be brought to the suitors, and not the suitors be made to follow the tribunals. But it is not to be expected that a system dating from the early part of the thirteenth century, and having its remoter origin much farther back, can meet the demands of the present day. There can be no doubt that the judicial business of this great manufacturing and commercial county to-day is far greater than was that of the whole country in the time when the assize system was invented. It is utterly impossible that the assize system, however modified, should fully recognize the superiority of Lancashire over other counties as regards the volume of its judicial business. I showed, in the paper which I have already mentioned, that "in Lancashire there are issued 27·960 per cent. of all the writs issued in all the district registries; whilst the amount of fees is 37·123 per cent. of the whole, and the number of applications in chambers actually amounts to 55·063 per cent of those in all the registries throughout England and Wales." These percentages are based on the judicial statistics for the year 1883, which are still the latest published. In the same paper I showed that "the cases entered for trial on the Northern Circuit are 35·678 per cent. of the whole number of cases entered for trial on all the circuits together." In order, therefore, that the Northern Circuit (which practically is only Lancashire) should be treated as well even as the rest of the circuits (if the present assize system were to continue), we ought to have more than one-third (35·678 per cent.) of the whole number of the judges who go circuit for the whole of the time occupied by all the circuits. Of course we do get nothing of the sort. We have only two judges out of the thirteen who usually go circuit—that is to say, 15·384 per cent. I am aware that rather more time is given to the Northern Circuit than to any of the others, because civil causes are taken on it alone (with the exception of Leeds on the North-Eastern Circuit) at some assizes: but that time is by no means sufficient to compensate the deficiency which I have pointed out. It is clear from these figures that there must be more pressure and hurry in the trial of assize cases on this circuit than on others. Tried in another way the fact of this pressure and hurry is equally demonstrated. In the year 1883 the judgments on hearings in the High Court of Justice (Common Law and Chancery Divisions) in London and Westminster were 1,184; and to dispose of these, twenty judges (excluding the Lord Chancellor) sat upwards of two hundred days, being an average of ·296 cases per judge per diem, or about one in three days. In the same year the number of trials (resulting in an absolute verdict) on the Northern Circuit was 238, and they were disposed by two judges in less than one hundred days (one of them occupied in criminal business almost the whole time), being an average of 1·19 cases per judge per diem, so that the cases are disposed of at assizes on this circuit at least four times as fast as in London. These figures are only an approximation, because I have not the exact number of days occupied in either case; but in the case of London, the sittings according to the rules were 233 days, and I have only taken 200; whilst on circuit I have assumed the whole time of both judges to have been devoted to civil business. Of course there are many matters which occupy the time of the court in London which would not come into the list of judgments on hearings, but so on this circuit in the same year there were 170 causes disposed of otherwise than by absolute verdict or remanet. It is therefore not strange that there should have been for years loud complaints of the actual existence of those evils which these figures would lead us to expect. It has constantly been found that actions entered for trial were made remanets for want of time to try them, that parties have been forced into settlements or unnecessary references, and that even in actions that were tried impatience and hurry have been unavoidable. At first these complaints were ignored or denied, then they were admitted to have had some foundation in times gone by, and even quite lately it has been said that there is such a falling off in the judicial business of this circuit that they are very unlikely to recur. This is no doubt a period of very great depression in our profession, as well as and in consequence of that in trade and commerce; and the amount of the judicial business in this county is no doubt much less than it would otherwise have been, but there is no very remarkable falling off. The numbers of cases entered for trial at the Manchester Assizes were—

In 1877	151
1878	207
1879	161
1880	175
1881	151
1882	168
1883	203
1884	141
1885 (allowing for the Autumn Assize the same number, 14 only, as last year)	150

One more such assize as that of January, 1883 (and that is within the period of depression), would be a national scandal. But we have not to go so far back as the year 1883 for a most glaring example of the evils of which we complain. At the Manchester Summer Assizes of this very year (1885) there were forty-two causes entered for trial, many of them of great importance, and amongst them was the case of *Fairbairn and Hall* v. *Household and Rosher*. This was an action for infringement of a patent, and had been sent down for trial by Kay, J. It was called on on Monday, the 27th of July, the day before the Liverpool Commission Day, and there were a number of other cases left to try. Manisty, J., who was presiding, said that it could not be tried in one day, and he should refuse to try it. He therefore made an order re-transferring it to Kay, J. Since then—*i.e.*, on the 12th of August last—the Court of Appeal has reversed the order of Manisty, J., and the action will have to be brought on again at the Autumn Assizes. The extra expenses which have been caused solely by the want of time to try this cause, notwithstanding the much-boasted alterations which were going to enable the judges to finish all the cases at one place before going to the next, must be very great indeed. On the same day an action of *Crossley* v. *Axon* was tried. It was an action for damages for injury to a doorway in rebuilding adjoining premises, and the newspaper

report says, "A great deal of evidence was given in the case; and the judge several times expressed the opinion that a settlement of the matter should be arrived at by the parties." Ultimately he found a verdict for the plaintiff (there was no jury), and referred the amount of damages. Several other references and settlements took place that day and the next, which, as I have said, was Commission Day at Liverpool.

After referring to the utterances of the press, Mr. Watts continued:—But, further, the case for the Provincial Sittings Bill does not rest upon the want of facilities for dealing with actions in the Queen's Bench Division alone, as seems to be assumed in both the articles above referred to. The grievances from which Lancashire suitors suffer are quite as great in the Chancery Division, if not indeed greater. They would be enormously greater were it not that we already possess a local Court of Chancery. Again, there are few solicitors practising in this great centre of population who have not from time to time been consulted by persons wishing to seek the aid of the Divorce Court, whom the expense of a trial in London has absolutely deterred from asserting their rights. What misery such a state of affairs has brought upon many a household some of us know. It is true that the Probate, Divorce, and Admiralty Division already has power under the statute 20 & 21 Vict. c. 85, s. 40, to send down issues for trial at the assizes; but it is a power which the court will not now exercise except in very exceptional cases, and not, it is said in the books, "against the wishes of the husband at whose cost the litigation is carried on" (Browne on Divorce, 4th ed., 247). Of course the husband may be insolvent, and his opposition be merely obstinate, and it would seem that the refusal to make such an order should be subject to appeal. Where all or nearly all the witnesses and the parties and their solicitors reside in the country, it is monstrous that they should all have to go to London and stay there, say five days (as has happened to me, even though summoned by telegraph by my agents). Then, again, why should not at least the issues of fact in an Admiralty case, arising at Liverpool, be tried on the spot where the ship, and the parties and their solicitors, and all the witnesses probably are?

But the Chancery of Lancaster, though its jurisdiction is unlimited in respect of amount, is subject to a limitation in respect of locality. It can only interfere where either the person to be affected, or the property in question, is within the county. And further, it is not invested by the Judicature Acts with any common law jurisdiction; and though Lord Cairns' Act applies to it, it has been held that that Act did not extend the jurisdiction of the courts of equity where there was a plain common law remedy (*Wicks* v. *Hunt*, Johnson, 380; and *Lawrence* v. *Austen*, and *Durell* v. *Pritchard*, 13 W. R. 9, L. R. 1 Ch. 274). In the case of interference with ancient lights, if the injury is completed before the commencement of the action, the court is powerless to award damages for the injury, and so in the case of a nuisance, as there is power at common law to abate it and give damages, this court cannot grant an injunction. Many cases, though purely Lancashire cases, are obliged to be commenced in London on this ground.

I dealt so fully in my previous paper with the proposal to lighten the business of the High Court by enlarging the jurisdiction of the county courts, that I shall only now refer to it very shortly, because we have heard, for some time past, rumours that something of the kind was actually resolved upon. The judicial statistics for the year 1883 show conclusively that the county court is not regarded with favour or confidence, even for the disposal of those actions which are already within its cognizance. There were nearly twice as many writs issued out of the Manchester District Registry in 1884 for sums under £50 (viz., 1,501) as there were plaints entered for sums over £20 and under £50 in the county courts of the whole county in the year 1883 (viz., 861). But, further, to send all actions for sums under £100, or, as has even been proposed, under £200, into the county court would leave the judges of the High Court with practically nothing to do either on circuit or in London. Out of 686 judgments (expressed in money) in the Queen's Bench and Chancery Divisions in London in 1883, only 168 were for sums over £200, and only 277 for sums over £100. On circuit, in the same year, out of 492 judgments, only 120 (a much larger proportion, be it observed, than 168 out of 686) were over £200, and only 189 were over £100. It is extremely unlikely that the country would be put to any additional expense whatever in order to carry out the proposed reforms. Lancashire suitors already pay fees more than sufficient to pay all the expenses. A return moved for by Mr. A. Arnold, and ordered on the 20th of August, 1883, to be printed, shows that from the Chancery of Lancaster in 1882 there was a surplus of income over expenditure of £8,445 12s. 2d., and from the district registries of the county the surplus was £2,800. The present officials of the district registries of the High Court and of the district offices of the Chancery of Lancaster would be able to discharge all the duties of masters, chief clerks, and registrars of the Queen's Bench and Chancery Divisions; and as one judge of the Chancery Division is at present without a chamber staff, the change would not lead to any vacancies in London. What, then, is the reason why, if Lancashire "pays the piper," she may not "call the tune"?

Trustees' Difficulties and Dangers.

Mr. B. Wake (Sheffield) read a paper on this subject:—

Those of you who wish to arrive at my conclusions, without wading through my premisses, will find the former to be as follows:—

1. A trustee is a "person" within the meaning of section 56 of "The Conveyancing and Law of Property Act, 1881."

2. The indemnity provisions contained in section 31 of 22 and 23 Vic. c. 35, intituled "An Act to Amend the Law of Property and to Relieve Trustees," declare what was previously good law, and, *inter alia*, free a trustee from liability whenever he has, in the ordinary course of business, and in good faith, entrusted money to a solicitor for completion of any business, especially any sale, purchase, or mortgage.

3. It is part of the duty of solicitors to receive and pay money, whenever such receipt or payment occurs in the ordinary course of any matter of business entrusted to them, especially any sale, purchase, or mortgage, or any action.

4. There is no hard and fast rule as to the proportion which money advanced on mortgage should bear to the value of the property mortgaged, but every trustee, when lending money on mortgage, must exercise care and caution, and avoid speculative properties.

5. Every gratuitous trustee (by which expression I mean a trustee who is not paid for his services) is to be regarded as a gratuitous bailee, notwithstanding any decisions or dicta of judges making him responsible to a greater extent, especially decisions or dicta making him responsible for the frauds or errors of agents appointed with due caution.

6. On selling property any trustee may use such conditions of sale as he would if the property were his own, and especially the printed particulars of sale issued by law societies.

7. A trustee is bound to conduct the business of his trust in the same way in which an ordinary prudent man of business conducts his own, and has no further obligation; and he may employ agents in cases in which they are employed in the ordinary course of business.

8. A resolution should be passed by the Incorporated Law Society of London, and by every provincial law society, adopting the foregoing, and expressing willingness to support any Bill brought into Parliament declaratory of the above, and especially the Bill brought in by Mr. Ince and Mr. Whitley.

The title of my paper shows "trustees' difficulties and dangers" as one subject to be treated; let me premise by saying that it is practically impossible to act up to the recent dicta of judges, and, at the same time, to complete a sale or purchase by three trustees, living in different localities, without involving them and their solicitors in responsibilities and risks which are wholly unreasonable and wrong. That startling propositions do at times emanate from our judges no solicitor will, I think, deny; an instance of such a proposition is afforded in Buckley *v.* Howell, 29 Beav. 546, where a late Master of the Rolls (Lord Romilly) decided that though a landed estate might be cut into lots vertically, it could not be so cut horizontally. To a man living in a mineral district, and knowing that for each green sod, and what is under it, there may very possibly be half a dozen several owners (not to mention mortgagees and lessees), possessing (1) surface, (2) clay, (3) stone, (4) upper bed of coal, (5) middle bed of coal, and (6) lower bed of coal, this idea of it being illegal to cut up an estate into horizontal lots was simply one not to be entertained; and to an ordinary mind, not biassed by any dealing with minerals, the idea that general instructions to cut into lots sanction vertical cutting, but forbid horizontal cutting, was unintelligible. The judge gave the decision; the parties did not appeal; and an Act of Parliament, 25 and 26 Vict. c. 108, entitled "An Act to confirm certain sales, exchanges, partitions, and enfranchisements by trustees and others," was needed to prevent thousands of trustees being held liable for thousands of breaches of trust. The sting of the error—for so it appears to me it must be called—"lay in the tail," *i.e.*, in the result to innocent trustees; for innocence is no excuse so long as the motto "*Ignorantia juris, quod quisque tenetur scire, neminem excusat*" holds good; and, but for the indemnity given by the Act I have alluded to, thousands of trustees would have been liable for breaches of trust, unless some court of appeal had reversed the Master of the Rolls' decision.

Take now another proposition advanced by learned judges. A trustee is not a "person" within the meaning of section 56 of "The Conveyancing and Law of Property Act, 1881," which enables persons to give deeds executed by them to their solicitors as their authority to receive the money payable under the deeds. I set out in an appendix the title of this Act, which please note is to "simplify practice," and section 8, which enables a purchaser to ensure due execution of his conveyance, and section 56, which says what "persons" may do. I also quote some language of Sir George Jessel, intensifying Lord Wensleydale, Lord Selborne, and Lord Blackburn, which appears to demonstrate very forcibly how Acts of Parliament ought to be interpreted. The Act came into force on 1st January, 1882, and the first decision upon sect. 56 was in November, 1883, by Mr. Justice Kay (see In re Bellamy and Metropolitan Board of Works, L. R. 24 Ch. D. 387). His Lordship then said: "The Conveyancing and Law of Property Act, 1881, contains two provisions (sections 8 and 56) which have been referred to, and which were made necessary by the decision in Viney *v.* Chaplin. They were intended to make *the completion of purchases more easy* and safe to the purchaser." . . . "The latter section, 56, does not refer in any way to the character of vendors, and, *of course*, it must apply where the vendors are trustees with a power of sale. The only effect of it is that, on a solicitor producing a deed, the purchaser may deal with him just as though he had a power of attorney from his clients enabling him to receive the money." Now please mark what the learned judge here says, that the Act was intended to make "completion of purchases more easy," and "of course it must apply where the vendors are trustees," and "it operates to give the solicitor a power of attorney." The case went to the Court of Appeal, and there, in June, 1883, Lord Justice Baggallay said: "It has been suggested, though it has hardly been pressed, that the 56th section does not apply to the case of a sale by trustees, but I can see nothing, either in the section itself or elsewhere in the Act, to justify so limited an application of its provisions. Treating the section as applicable to the present case, and assuming the views which I have expressed as to the effect of the decision in Viney *v.* Chaplin to be correct, the 56th section, in my opinion, substitutes the production of the deed, as mentioned in the earlier portion of the section, for the written authority which, according to the decision in Viney *v.* Chaplin, would have been sufficient." His Lordship, therefore, of course came to the same conclusion as Mr. Justice Kay; and it is noticeable that he said that the argument "had hardly been pressed that this section 56 did not apply to the case of sale by trustees," and that he

could see "nothing either in the section itself, or elsewhere in the Act, to justify so limited an application of its provisions" If matters had stopped here there would never have been any question as to a solicitor's duty to receive money when paid over in the regular course of business. The 56th section proceeds on the assumption that the duty exists, and it simplifies the performance of that duty. Unhappily, two other learned judges (Lord Justice Cotton and Lord Justice Bowen), discovered that the Act *was not an enabling Act* freeing trustees from difficulties; and so they overruled their brethren, Mr. Justice Kay and Lord Justice Baggallay. Now, with all deference to the overruling judges, I think that their conclusions will not stand the test of appeal, either to the House of Lords or to the public. I urge that we, as a profession, and mankind in general, cannot be bound to interpret Acts by such specialities as Lord Justices Cotton and Bowen have allowed to influence them; that this Act of Parliament, like all others, was enacted by men of ordinary minds for men of ordinary minds, and that it was not specialists' language addressed to specialists, but language which "he who runs may read," and that "one of those things which no ordinary fellow can find out" is why a trustee is not "a person" here referred to. Laws are enacted for the people, whose guide to interpret them is common sense; when judges and common sense arrive at directly opposite conclusions, then I think common sense ought to prevail, and will prevail. Language may be too refined;—motives for language may be hunted out;—and thus natural words may lose their natural meaning, to the detriment of the *oi polloi*. Special pleading demonstrated this, and, when the demonstration was clear beyond dispute, special pleading died. I revere its memory, and do not want its resurrection. I suggest that when the overruling Judges above-named found that the case of trustees had not, in their opinion, been sufficiently thought out when Sec. 56 above quoted was enacted, they should have proposed such new law as they thought to be needed, but should not have violated the common-sense meaning of words, and so made culpable those trustees, and their legal advisers, who were not educated and argued up to the special meaning possibly assignable to ordinary words. Now, unless we can in some way establish that the case In re Bellamy does not truly indicate the law with regard to trustees, then I venture to affirm that, in all England, there is not to be found a single set of two, three, or more trustees who ever did their duty, or a single solicitor, acting for such a set of trustees, who ever did his duty. Now, it would be easy, by quotation from judges' language, to show that the duties of trustees are (1) always to act jointly; (2) never to entrust money to a solicitor; (3) never to entrust money to a co-trustee; (4) to make good any losses from fraud which may be committed by any agent of theirs, or from the want of skill or knowledge in any agent they may employ. When this is shown (as a matter of fact it never will be), who will be trustee? Nobody;—and the State must undertake the working of all trusts, whether they involve Peabody's millions of gold or the artisans' small accumulations of pence.

A word as to the indemnity clause in 22 and 23 Vic. cap. 35,—it has been intensified by the Settled Land Act, 1882, sections 41, 42, and 43, and emasculated by the dicta of judges. It needs to be re-intensified by our affirming its present vitality, and resolution No. 8 will do that. Please note that in their dealings with the above-mentioned Acts we have another instance of judges depriving language of all meaning. Lord St. Leonards got the first-mentioned Act passed because he acknowledged, and wanted to remove, the dangers and difficulties which beset trustees. He used clear language when he said by the Act that "trustees shall be respectively chargeable only for such moneys as they shall respectively actually receive, notwithstanding their respectively signing any *receipt for the sake of conformity;* and shall be answerable only for their own receipts, and not those of each other; nor for any banker, broker, or other person with whom any trust moneys may be deposited; nor for any other loss, unless the same shall happen through their own wilful default respectively." Clearer language cannot be used, yet so utterly did the Act fail to convey its meaning to judges, that it is commented on by one learned text writer as follows:—"It might with much the same result, as to the liability of trustees, have been enacted that every deed, &c., should be construed as if it did *not* contain the clause in question." (See Davidson's Conveyancing, vol. iii. p. 252, note.) Then, too, we shall try in vain to find some "receipt for the sake of conformity" which is not a receipt given by trustees to enable their colleagues, or their solicitor, to receive money without its actually passing into the hands of all of them. The language of the Act either applies to the case of Flower and Metropolitan Board—where it was proposed that one trustee should receive purchase-money in exchange for the receipt of himself or his colleagues—or it means nothing at all; surely it does mean something, and surely it does, *inferentially*, enable trustees to do that very thing which they were, in *words* at all events, *expressly* enabled to do by the 56th section of the Conveyancing Act of 1881. I ask, then, is it, or is it not, a fact that *three* Acts of Parliament, viz., that of Lord St. Leonards in 1859, the Conveyancing Act of 1881, and the Settled Land Act of 1882, have all failed to effect what each Act expressly *intended* to effect, *i.e.*, the power of trustees to delegate *acts*, as distinguished from *discretions*, and that this arises because language has been deprived of its natural meaning, and because the rule of construction, so clearly laid down by Sir George Jessel and other eminent judges, in the language set out in the appendix, has not been observed? Surely it is the duty of the public and of trustees, and ourselves in particular, to enter a humble protest, and exert a strong hand, against any system which results in trustees being saddled with responsibilities which the legislature has emphatically said shall not attach to them.

As to Loans by Trustees on Mortgage.—I have, at the head of my paper, set out my own opinion. I have not done this without, to the best of my ability, examining the authorities on the subject. The case Fry *v.* Tapson, L. R. 28 Ch. Div. 268, before Mr. Justice Kay, has operated to frighten trustees, and unless his words, "They neglected the rule of not lending more than half the value on house property," can be demonstrated not to enunciate a rule which trustees must observe, then a very great amount of trust-money will be withdrawn from mortgagors,—who will consequently have to pay a higher rate of interest by the decrease of the money market to which they can appeal,—and a very serious reduction will be made in the income of cestuis-que trust, because their money, now invested upon mortgage, will henceforth be invested upon securities producing a less rate of interest. "Rule" is a word with definite meaning—it conveys the idea of something *fixed*, such as "Rules of Court"; but, with regard to mortgages, in my view there are not, and there ought never to be, *fixed* rules as to two-thirds advances on land and half advances on buildings, or as to any other proportions. I conceive that all advances by trustees must be regulated by *elastic* matters, *i.e.* circumstances and prudence. Let us examine the cases, not forgetting, however, that every case that comes before the Court is one where there has been a loss, that every case is a speciality, and that there is not one case to be found where the facts have been simply that a trustee who lent more than two-thirds upon freehold land which had no speculative features, was condemned for the loss; and, similarly, no case where a trustee, lending more than half upon freehold houses which were not of a speculative character, has been condemned for the loss. Interwoven with every case that has been tried are special facts, such as loans upon public-houses or speculative building estates and *special facts* are the natural enemies of *broad principles*. The first dictum I can find is that of Sir Charles Pepys, M.R., who in 1835, in deciding Stickney *v.* Sewell, 1 M. & C. 8, said, "To advance two-thirds is admitted to be within the rule of ordinary prudence: but that is with reference to property of a permanent value, as freehold land. The same rule does not apply to property in houses which fluctuates in value and is always deteriorating." We then come to the decision of Lord Romilly in 1851, in Norris *v.* Wright, (14 Beav. 307.) His Lordship said, "The ordinary rule in strictness is that upon a freehold security you must not advance more than two-thirds of the value, but the rule does not apply to an advance on houses, in which case the advance should not exceed one-half of the estimated value of the property." Then the same judge, in 1853, in Macleod *v.* Annesley, (16 Beav. 600), said, "I do not know that it has ever been distinctly laid down by authority, but it has been the general understanding of the profession, and the general practice of the court in these cases, to consider that a trustee is not justified in advancing money on agricultural freeholds to the extent of more than two-thirds of the value, or of more than one-half of the value on freehold houses." Then, in 1854, Kindersley, V.C., in Stretton *v.* Ashmall, (3 Drew, 12), said, "It has been decided, in many cases, that the duty of trustees is this—not as a fixed rule liable to no variation, but as a rule of ordinary discretion,—not to lend more than two-thirds of the actual apparent value, even when the property is land of an apparently fixed and permanent value; but if it is property of a fluctuating character they ought not to lend upon property of less than twice the amount lent." Then Sir John Romilly, in 1865, in Ingle *v.* Partridge, (24 Beav. 411), said, "The rule being that trustees ought not to advance on mortgage more than two-thirds of the actual value of freehold property." Then Bacon, V.C., in 1883, in Godfrey *v.* Faulkner, L. Rr 23 Ch. D. 483, said, "The test of liability always is whether or not the trustees have acted as prudent men would have acted in dealing with their own property. The two-thirds rule is not enforceable with exact strictness." By thus examining the foundation for the language of Mr. Justice Kay we find, I think, that the word "*rule*" is too strong, and I believe we may conclude confidently that what trustees must do is to be found in No. 4 at the head of my paper, *i.e.*, they must lend with care and caution, and avoid speculative properties. I also believe that no rule has been laid down, and that no rule can with advantage be laid down, as to the proportion to be observed between loans and value of property. It is very easy to conceive a loan strictly according to what has been called the "rule," and yet not a justifiable one; *e.g.*, assuming 100 cottages built for a colliery; they are valued, and half the valuation amount is lent; in twenty years the colliery is gone; the cottages are almost worthless; the rule has been observed, and the money has been lost! If, instead of testing the loan by the "*rule*," it be tested by No. 4 of the head of my Paper, the trustee who lent the money will be condemned, because he lent upon *speculative* property. There is not an office in London, nor an office in the provinces, dealing with trust money, whose records do not emphatically declare that there is no hard and fast line as to the proportion which loans on mortgages must bear to the value of the property mortgaged, and I do think we should announce this with "trumpet tongues."

Messrs. Ince & Whitley's Bill.—All trustees, and all members of our branch of the legal profession, are much indebted to Mr. Ince and Mr. Whitley for their exertions. Their Bill "To Amend the Law relating to the Liabilities and Duties of Trustees" deals with—

1. Trustees' investments and the two-thirds and half question.
2. Trustees' power to advance on leasehold without investigating the landlord's title.
3. Trustees' power to sell under general conditions of sale.
4. Trustees' giving authority to solicitors to receive money.

I do not propose to discuss the language of the Bill; it will be seen that, in my view, it is decidedly needful to deal with the questions of investment and receipt of money; the leasehold and conditions of sale matters are not of sufficient importance to warrant my discussing them. Suffice it to say that, though I think the powers intended to be given by the Bill are very desirable, I hope we can evolve them ourselves by passing the resolution which I mentioned at the head of my paper, and which I much prefer to any Parliamentry enactment.

The Status of Solicitors.—A word as to the status of solicitors. We are "officers of Court," liable to be "called to order" at any moment, and very properly punished by expulsion from office, &c., whenever we offend. We are the guardians of the homes and of the wealth of England; into our ears are poured those family secrets which tell of "a skeleton in every house," and our secrets are kept. Not an acre of land exists which is not represented in a solicitor's office, and well represented, except in those few

instances which demonstrate that *exceptio probat regulam*. Millions of money pass through our hands; we are trusted; and the charm of our profession is *trust*; take it away, and our brightest jewel is gone. Let judges keep our standard of morality and duty high—very high; let them purge our profession of those black sheep—few in number, I am happy to say—who are to be found in every flock, be it clerical, legal, medical, or commercial; but do not let judges turn black sheep into our fold, and above all things, do not let judges place us lower in the scale of life than pigeon fanciers, dog dealers, and the whole class of agents who must be employed as long as the business of life is to go on. We are accredited court officials—high class delegates,—and I urge that we do not assume too much when we ask to have our true position assigned to us, and when we demur to be recorded at zero in the agency list. We used to be called attornies; there is to me no euphony in the word—solicitor is more liquid and engaging; but attorney means much, and I like it for its meaning's sake. The *attornor* is the man who *turns over* to the *attornee*. What does he "turn over"? His case—his fortune—his all. Many a time and oft it is so, and I almost sigh to be once more called an attorney, so vividly does that word describe the thoroughness of the confidence reposed in us as a body. *Attornee* means a man who is *turnee* of *two turnors*, *i.e.* *first* of the *court*, and *second* of the client; he obeys the *rules* of the first, and holds steadily in view the interests of the second. If this doubly appointed functionary cannot be trusted, who can be? As an attorney, and in the name of attornies, I say—*no one*. Let us suppose a case where a very careful, punctilious attorney, having had debt and costs tendered to him by the defendant, declined to take the money till he had got his client's authority. Imagine him going for the authority, and meanwhile the defendant absconding. How many complimentary expressions do you think the client would use to his attorney, when the latter expressed his deep regret that the debt was irretrievably lost?! Methinks I hear the client say, "Lost, sir; nonsense, you shall pay it;" and methinks also, that judge and jury alike will concur in the sentence. Yet the sentence is only just on the assumption that head three at the top of my paper is right, and that it is our duty to receive money.

Again I say, gentlemen, please pass my resolution, and let us all take care that our actions demonstrate, to our clients and to the world, that Shakespeare truly estimated us when he said,—

> "Therefore be merry, Cassio,
> For thy solicitor shall rather die,
> Than give thy cause away."

Lunacy Laws.

Mr. G. R. Dodd (London) read a paper on this subject, which we hope hereafter to print in full. At its close, Mr. Dodd made the following suggestions:—

1. An increase in the number of commissioners, so that it would be possible for more frequent visits to be paid to the asylums, and more time to be given, when visiting them, to make the necessary inquiries.

2. That, except in urgent cases, one, at least, of the medical men signing the certificate should be well acquainted with the subject of lunacy.

3. Neither of the doctors should be either directly or indirectly connected with, or interested in, any licensed house or asylum, and they should sign a declaration to that effect.

4. That medical men possessing some special knowledge of the subject should be appointed in different parts of the country, to whom application could be made for the requisite certificate.

5. Every order should be signed by a judge of the High Court, or county court, after careful inquiry.

6. The persons giving the required information for the medical certificates should make statutory declarations verifying their statements.

7. The alleged lunatic, or any relative of his, should be entitled to demand an inquiry before a jury prior to committal, or at any time afterwards, upon the applicant (other than the alleged lunatic) giving security for costs.

8. Right of inspection by the patient or his friends of the certificates and documents in possession of the commissioners.

Lastly. The person signing the order, if not nearly related to the alleged lunatic, should satisfy a judge, before being allowed to act upon it, as to his reason for interference, that he is a responsible person, or should give security.

Laws affecting Aliens.

Mr. B. Lewis (Wrexham) read a paper on this subject, in which he concluded with the following questions and suggestions:—

1. With great alterations in land tenures pending, is it desirable that foreigners should hold real property in this country (saving rights of those who have availed themselves of section 2 of the Naturalization Act) without becoming naturalized, or should they be limited as to the extent of acreage which they may purchase?

1*a*. A suggestion arises that the latter course would be the means of inducing a better class of foreigners to become naturalized.

2. Is it desirable to maintain the common law rule that birth of alien children in these realms, their fathers being subjects of foreign states at the time of their birth, should confer British nationality on such children?

2*a*. This might be advisedly altered, and Sir William Vernon Harcourt's amendment accepted, as recorded on page 15 of the report of the Naturalization Commission, viz.:—"Children born within the realm of alien fathers, who have been themselves born abroad, shall be deemed aliens. But such children shall become British subjects—(1) upon the naturalization of their fathers, or (2) upon their being themselves naturalized, either by their fathers during their minority, or by themselves at full age.

3. Ought not the Home Office fee for naturalization (now £5) to be increased? And should not the four declarants, instead of being merely "British subjects," be four householders, of either English, Scotch, Welsh, or Irish nationality? And all future naturalization proceedings be vested in the clerks of the peace of each county or borough, and the prescribed oath of allegiance be administered by the chairman or deputy-chairman in open court of quarter sessions? Also, on the lines of American law, should we not adopt from their revised statutes (U.S 1873-4, p. 380, title xxx., sec. 2,165) a declaration (in addition to that of loyalty) that the declarants testify that during the alien's sojourn here, prior to naturalization, he has behaved as a man of good moral character, is attached to the principles of the constitution of England, and well disposed to the good order and happiness of the same?

4. Would it not be an advantage to adopt similar clauses to those prescribed by the Canadian Act of 1881, as to an oath or affirmation of residence before naturalization; and to adopt the penalty prescribed by the 45th section of that Act—viz., that in case of perjury, in addition to legal punishment, he shall forfeit all his privileges under the Act, and with a proviso saving rights of others in respect of estates derived from such perjurer, not cognizant thereof; and also in terms of their 46th section, in the future, for the sake of uniformity, only to naturalize under the terms of the general laws, and not by private Acts of Parliament?

Private Bill Legislation.

Mr. R. J. Tahourdin (London) read a paper on this subject, in which he said:—I do not for a moment believe that a delegation of the functions of select committees on private Bills to judicial functionaries, as proposed by Mr. Sellar's Bill, no matter what the qualifications of those functionaries might be, would decrease the expense of preliminary inquiry to any appreciable extent, if at all; and I even doubt if it would not rather tend to increase the burthen by creating delay and arrear of business. It may be matter for consideration whether the double inquiry—that is, the inquiry before a committee of each House—is really essential, and whether it works any greater justice than could be obtained before a mixed tribunal of the two Houses. That a single inquiry before a mixed committee would save a vast amount of time, both to the members of the Houses and to the public, is beyond contest. I cannot but think that the principle suggested by Mr. Sellar's Bill for delegating the functions of private Bill committees to a purely judicial tribunal, worked, as has been suggested, upon somewhat the same lines as the present system for the trial of election petitions, however plausible it may appear in theory, would prove a complete failure in practice. There is no analogy whatever between an election petition and a private Bill inquiry. The inquiry upon an election petition deals simply with matters of law and fact, and is, essentially, in the nature of a purely judicial proceeding. Questions of expediency in no way enter into it. In passing Acts of Parliament, on the other hand, the questions involved are such as a judicial mind can hardly be expected to deal with. As has been pointed out, each case must be dealt with upon its own merits, and no hard and fast rules can be applied. The evidence adduced upon an inquiry on an election petition, as in all other cases of a judicial character, simply goes to prove certain facts to which certain principles of established law have to be applied. The evidence upon a private Bill inquiry, on the other hand, is directed to the question whether it is expedient that certain powers or privileges should be granted, and involves matters of public right and policy, and interference with individual interests, which can only be dealt with from a practical point of view. No doubt committees are guided and governed to a large extent both by precedent and custom, but the extent to which that precedent or custom should prevail can only be dealt with upon a practical consideration of the merits of each case, on the consideration of which wide latitude of opinion must necessarily be allowed, if substantial benefit is to accrue consistently with the individual rights of parties.

Mr. Tahourdin concluded his paper as follows:—It is quite impossible in a paper such as this to exhaust the subject or to do more than make a general suggestion. In establishing joint tribunals, innumerable questions would arise, and of these the most delicate and important would be those which would arise on the privileges of the two Houses in their relations to each other, upon the selection of chairmen of committees and their authority, and upon the mode of selecting members to serve on committees. But all these are questions of technicality, which would be comparatively easy of adjustment if the main principle were once established. The matter is one which undoubtedly deserves serious consideration in the interest both of the Legislature and the public, and particularly of municipal and other local and corporate bodies, who are constantly called upon to defend themselves against attack in some form or other, or to promote Bills for the benefit of their constituents. I would add a word upon the subject of the qualification for practising as a parliamentary agent. Parliamentary agency has now for many years been a recognized profession, and it is a lucrative one, yet it is the only profession in which some species of apprenticeship is not required. Anyone may become a parliamentary agent, whether acquainted with the rules and practice of the House or not, by simply signing a book and conforming to certain rules. While by no means advocating confining parliamentary agency to the professions of barristers and solicitors, it does seem anomalous that, while both these professions should require a special period of training to qualify for acting in them, the important profession of parliamentary agent should be open to anyone who chooses to style and establish himself as such. The question is one that has often been raised, and is one that may well occupy the serious attention of those who have, or are likely to have, business of importance before the Legislature. It may be suggested that I have formulated no scheme for dealing with the matter; but it is not the object, I take it, of a paper such as this to do

more than ventilate the subject. I may say, however, that, in my humble judgment, any attempt to carry a measure upon the subject without preliminary inquiry must end in failure. There should, I venture to think, be, in the first place, a full inquiry and report by a carefully-selected committee, consisting of members of both Houses most experienced in private Bill legislation. The scope of such inquiry and report should include the working of the present system and the expediency of making any alteration in it; the expediency of revision of the standing orders of both Houses, and their complete assimilation and consolidation into standing orders of Parliament; the appointment of a joint committee of both Houses to deal with questions arising upon the reports of the standing order examiners, involving either dispensation with, construction or application of, any standing orders; the reconstitution of select committees, with a view, if deemed expedient, to substitute joint committees, consisting of members of both Houses, and a single inquiry, in place of the present system of inquiry before a committee of each House; the establishment of a joint court of referees and the extension of the functions of such court to preliminary inquiry into the financial stability of the schemes brought before Parliament, as well as to questions of *locus standi*; the present position of the profession of Parliamentary agency, and the propriety of establishing a system of articling for that profession analogous to that now required for solicitors. Such inquiry and report having been held and made, it would then be for Parliament to decide, upon the recommendations of the committee, what course should be adopted. Mr. Cardwell, in 1854, made a proposal to secure the services of a small number of well-qualified members to devote a considerable part of the session to private business, and by frequent communication to maintain uniformity of decision. This proposal is one that might commend itself in some form. It was at that time intended only to apply this to Railway Bills, but there seems no reason against its adoption generally, if advisable at all.

Death or Succession Duty.

Mr. Melvill Green read a paper with this title.

In the course of the paper, Mr. Green remarked that every anomaly not dependent on the nature of the specific property could be done away with if the Probate Duty were abolished and the death taxes consolidated. The first instance of anomaly I will cite ought, in any case, to be removed. It is also proof that the incidence of the tax is not adequately regarded by the very efficient officers who dictate the details of legislation. It arises under Section 11 of the Succession Duty Act of 1853. In a very common class of cases which, to avoid abstractions, I will illustrate by that of a testator giving property to his daughter for life, and then to her husband, and then to the grandchildren. We used before the Act to pay duty on three occasions—first, on the life-interest of the daughter, at one per cent.; after her death, on the life-interest of her husband, at ten per cent.; and, after his time, at one per cent. upon the capital divided amongst the grandchildren. This often postponed the duty on the capital for many years. It occurred to the authorities at Somerset House that a good deal of trouble might be saved, and that money might be brought into the Exchequer more speedily, by taking the duty on the capital at once; and that this result would be attained by reducing the duty on the son-in-law's reversionary life-interest to the same rate as his wife's, his liability to a higher rate being the only reason for postponement. This they were the more willing to do as it constantly happened that the second life-estate never fell into possession at all, or, if it did, the age had so increased that the higher rate of duty was of no great consequence to the Government. Section 11 accordingly provided for this class of cases, and a legatee or successor pays, as we all know, only at the rate at which his or her wife or husband would pay. But the converse case was not touched, and relationship to the wife or husband of the predecessor is still no relationship at all. So that if a man leaves property to his stepmother, one per cent. will do; but if he leaves money to his stepdaughter, ten per cent. is exacted. In my own experience a very hard case recently occurred. A married lady adopted the orphan child of her sister when quite an infant, and she and her husband treated her for forty years as a daughter rather than as a niece. The husband foolishly made his own will, giving what he had to his widow (then nearly eighty) for life, and afterwards to the niece—*his* niece he thought her—but she had to pay ten per cent., as she was only his wife's niece; although if she had died before him, and left her property to him, he would have had to pay only five per cent. as her aunt's husband. Any solicitor would have given the whole estate to the widow, and let her in turn give the whole estate to her niece, as a second probate duty and a legacy duty, although at three per cent., would together be less than one ten per cent. legacy duty; or, in other words, the duty payable is dependent (as often happens with anomalies) on the knowledge of the testator, or the accident of his calling in proper advice. There is another anomaly, again, illustrated by an actual case I remember. I was instructed to prepare a will giving in round figures £60,000 to charities. I asked the testator to give £54,000 free of duty instead, being the same thing to the charities, but a saving to the residue of £600 in legacy duty—the difference between £6,000 and £5,400. The residue also had to pay ten per cent. duty, and so £540 net was in that one case saved to the estate and lost to the Government. Again, the amount of legacy duty is made to depend on the knowledge of the testator. This is a double anomaly, for it applies only to legacies. The Legacy Duty Acts exonerate money given to pay legacy duty from being itself dutiable; money given to pay succession duty is liable to duty. I venture to think it ought to be liable in both cases. There is a yet greater anomaly to be referred to. Under the 14th Section of the Succession Duty Act there can be but one duty payable on a death, however many intervening devolutions may have occurred to the reversion of personal property in settlement. Under the Legacy Duty Acts both Probate and Legacy Duties are repeated on each devolution. The last instance I had made a total of 25 per cent. from an aunt to her nephews. It was in this way. A lady, on her marriage, settled a fund after her death without issue (which happened) on her husband for life, and after a power of appointment (which she did not exercise), to her next of kin. Her husband lived some time—her next of kin, three sisters, died before him. The first died unmarried and intestate, her share fell between her surviving sisters; the second died, leaving a husband and no issue, and the third left issue. The husband of the second left his wife's share and a half to the issue of the third—nephews of the original settlor; and on the death of her husband (their uncle by marriage) they acquire the whole. On the share of the second sister duty falls as follows: three per cent. succession duty, under the settlement as one of the settlor's next of kin; three per cent. probate duty on letters of administration granted to the representative of her husband; three per cent. probate duty on the husband's probate; ten per cent. legacy duty on the gift of his nephews-in-law, a total of nineteen per cent.; and upon the additional half share of her first sister, which the second sister took as next of kin, six per cent. more; three per cent. on letters of administration, and three per cent. legacy duty; a total on that half share of 25 per cent.—and if the bill brought in last May had passed as it stood, another three per cent. on the original succession of the next of kin under the settlement would have brought the total to 28 per cent, or more accurately 27½—¼ per cent. was to come back for the stamp on the original settlement. Of this only seven per cent. would be saved by my previous suggestion that relationship to a testator's or predecessor's husband or wife should be recognised. Many of us must have had cases when even a larger total has been payable; for the increase of Probate Duty has seriously affected the case of a multiplicity of devolutions, so often taking place between infant children, where again the want of knowledge of a testator has allowed their interest to become vested, although dying under twenty-one. The principle of Section 14 of the Succession Duty Act should be extended to all devolutions of both real and personal property, and duty should not be payable on mere intervening devolutions of a reversion, whether of personal estate or of a realty, only one duty (at the rate of the highest intervening succession) being payable when some living person comes into the actual enjoyment of property vacated by the death of another. It is, perhaps, permissible to remark in passing that, instead of returning the stamp duty when succession duty arises, it would be better to abolish the *ad valorem* duty on settlements of personalty, so bringing realty and personalty into equality in this respect, and removing what is often a real burden at the time of payment, as in the frequent case of a marriage settlement of nothing but considerable reversionary funds. The Act of 1881, abolishing the one per cent. duty on personalty, but raising the probate duty instead, has practically abolished the widow's exemption, and taxed her like the children, so far as personalty is concerned; as to realty, her exemption continues. In all smaller cases this abolition is a great hardship. In such, a widow derives no benefit from the death of her husband, because in most cases the property that comes to her is not equivalent to the income lost that he has been earning. When a widow comes into less than a maintenance, no benefit has really accrued to her. Look at a common case. Somebody, say a doctor, earning £800 a year, dies early, and his estate proves to be no more than five little children and £4,000. He has left all to his widow, but is she is better off? Yet this is the moment when £120 is taken from her superfluity by a paternal Government. On the other hand, when the estate is large the widow's benefit is a very fit subject for taxation. The line might be drawn at the point of at least fair maintenance. Let the first £2,500 of a widow's bequest go free. Put in another way, this is only recognising that a man is really bound to make some provision for his wife, and allowing his performance of that obligation to be deducted like any other debt: I suggest £2,500, as four per cent. thereon produces £100 a year. Such a sum as would buy her an annuity of £100 a year might as fitly be suggested. Similarly, I think, there should be some exemption for—so to call them—unemancipated children, and that the first £500, say of benefits to daughters still unmarried, and sons still under 21 at the time the gift takes effect, should be free. With these exceptions, if the present scale is adopted, and the probate duty abolished, what the widow and issue take would pay 3 per cent., and other relatives 6, 8, and 9, in lieu of the present 3, 5, and 6 per cent., and more remote relatives and strangers 13 per cent. instead of 10. These rates are probably as high as can be prudently imposed. We know well that many testators wish to avoid the present death duties if possible, and we may think that higher ones will chiefly lead to gifts, *inter vivos*, or to squandering, rather than to any increase of revenue. I suppose this will hardly be thought a fit occasion to discuss the proposal of a sliding scale, increasing the percentage with the magnitude of the legacy.

A brief discussion followed, in the course of which it was moved by Mr. Learoyd, and seconded by Mr. T. G. Lee, "That the several matters enumerated at the commencement of Mr. Wake's paper are worthy of the consideration of the Council of the Incorporated Law Society with a view to action being taken thereon."

The motion was ultimately withdrawn,

The President stating that Mr. Wake's paper would be considered by the council.

Votes of Thanks.

At the conclusion of the meeting, votes of thanks were passed as follows:—To the Liverpool Law Society; to the Reception Committee, particularly Mr. F. M. Hull, the secretary; to the Mayor and Corporation, for the use of the Walker Art Gallery for the *conversazione*, and for their hospitality; to the Mersey Dock and Harbour Board, and the directors of the various dock and steamship companies, and other gentlemen, for facilitating the inspection of their ships and works; to the Liverpool Exchange Company, for the use of the news-room; to the Chester and North Wales Law Society, for their hospitality on the occasion of the excursion to Chester; to the Duke of Westminster, for throwing open Eaton Hall; to the readers of papers, and to the president, for his able and courteous conduct of the proceedings.

The Reform Club and the Conservative Club were thrown open for the

use of the members of the society during the visit, as were the Exchange News-rooms. Parties were conducted through the Mersey Tunnel, and the Atlantic steamers of the several companies, and the grain warehouses in several of the docks were opened for inspection. On Wednesday afternoon a reception was held by the Mayor in the Town Hall, and in the evening a *conversazione* was given by the president and members of the Liverpool Law Society in the Walker Art Gallery. On Thursday excursions were made to Chester, Eaton Hall, and other places of interest.

LAW STUDENTS' JOURNAL.

LAW STUDENTS' DEBATING SOCIETY.

The first meeting of the society's session, 1885-86, being the fiftieth session of the society, was held at the Law Institution, Chancery-lane, on Tuesday, the 13th inst., Mr. E. G. Spiers in the chair. The question for debate was "That it is desirable to abolish the power of landlords to distrain for rent." The debate was opened in the affirmative by Mr. G. A. Riddell, who was followed on the same side by Messrs. J. A. Meadmore and Arnold Austin. The negative was opened by Mr. H. L. Devonshire, who was supported by Messrs. J. D. Crawford, Gwynne Griffith, Todd, Wheeler, and Hicklin. The opener having replied, the question was put to the meeting, when it was lost by ten votes.

LEGAL APPOINTMENTS.

Mr. Henry Spencer Berkeley, barrister, has been appointed Attorney-General for the Colony of Fiji. Mr. Berkeley is the third son of Mr. Thomas Berkeley, of St. Kitt's, and was born in 1851. He was called to the bar at the Inner Temple in Trinity Term, 1873. He was appointed Solicitor-General for Antigua in 1878.

Mr. George Alfred Sedgwick, solicitor, of 9, New Broad-street, and of Stratford, has been appointed Returning Officer for the Borough of West Ham. Mr. Sedgwick was admitted a solicitor in 1862. He is vestry clerk of West Ham Parish.

Mr. Alfred Donnison, solicitor and notary, of 71, Cornhill, has been appointed a Commissioner for taking Bail and Affidavits, and for examining Witnesses in Actions and Proceedings in the Supreme Court of the Colony of Queensland.

Mr. James Loye, solicitor, of Plymouth, has been appointed Clerk to the County Magistrates at Ivybridge. Mr. Loye was admitted a solicitor in 1872. He is clerk to the Ivybridge Local Board. Mr. Loye has also been appointed Clerk to the Commissioners of Taxes for the Ivybridge Division, and Clerk to the Visiting Justices of the Plympton Lunatic Asylum.

Mr. George Bilsborrow Hughes, barrister, has been appointed Judge of County Courts for Circuit No. 11 (Bradford, Skipton, &c.), in succession to Judge John Joseph Powell, who has been transferred to Circuit No. 47 (Lambeth, Greenwich, and Woolwich), on the retirement of Judge John Pitt Taylor. Judge Hughes is the only son of the Rev. John Hughes, Vicar of Penally, Pembrokeshire, and was born in 1819. He was educated at Jesus College, Cambridge, where he graduated as a junior optime in 1841. He was called to the bar at the Middle Temple in Michaelmas Term, 1853, and he has practised on the South Wales and Chester Circuit. He has been for several years a revising barrister, and he was appointed official of the Archdeaconry of London in 1884.

PARTNERSHIP DISSOLVED.

Alfred Toulmin Smith and Ernest Arthur Fuller, solicitors (Toulmin Smith & Fuller), Selborne-chambers, Chancery-lane. Sept. 23. The said Ernest Arthur Fuller will in future carry on the said business. [*Gazette*, Oct. 9.]

LEGAL NEWS.

On Tuesday morning, Judge Powell took his seat for the first time at the Lambeth County Court, as successor to Mr. John Pitt Taylor, resigned.—Mr. Walker, on behalf of the bar, and Mr. Washington for the solicitors practising at the court, heartily welcomed the learned judge on his appointment, and expressed their conviction that he would maintain the high position to which that court had attained under the presidency of the late judge.—His Honour thanked the bar and solicitors for their kind congratulations. He knew very well that in succeeding a judge with so great a reputation as Mr. Pitt Taylor, and also one who had so much experience, he was undertaking a very responsible task. He trusted, however, with the assistance of the officers of the court, and of the gentlemen of both branches of the profession, that he should be able to discharge the duties imposed upon him satisfactorily. He added that he understood the late judge did not sit robed. He had always done so, however, and would continue his practice there. As it was the etiquette of the court for advocates to wear robes when the judge did, he would be obliged if they did so in future. He would, when the alteration was more generally known, make an order to that effect.

Mr. Henry Roscoe's presidential address, delivered at the Liverpool meeting of the Incorporated Law Society, says the *Times*, discusses many important topics, and all of them judiciously. In every branch of law he is on the side of progress, and he claims for his profession that the same tendency characterizes it as a whole. When the dilatoriness of legal procedure is attacked, the growth of the business of the courts should, he contends, be made answerable, and not the lawyers. Lawyers suffer most of all by the block of justice, and labour hard for its removal. Mr. Roscoe has himself been lately sacrificing valuable time to the sittings of a committee appointed by Lord Selborne to revise the distribution of business in Chancery. The casuistry which has enveloped common and statute law is, he urges, the work, not of his profession, but of judicial ingenuity. He instances the pitfalls judges have dug for hapless trustees. He treats with the scorn the charge merits, when reflecting upon men like him and the majority of his brethren, the insinuation that solicitors are harpies who, for their selfish advantage, have stood in the way of legal improvements. He is not alarmed at the threat to put them down or sweep them away. Whether or not the reforming zeal of the profession were always as fervent as now, its confidence in its stability is so manifestly justified that the public should at all events rejoice in the present disposition to move forwards. Until lawyers unite to raise the cry of law reform, the machinery may be reconstructed; it will not work. There is real hope when a body like the Incorporated Law Society leads the assault.

COURT PAPERS.

CIRCUITS OF THE JUDGES.

Midland (Denman, J.)—Bedford, Saturday, October 24; Leicester and Borough, Thursday, October 29; Nottingham and Town, Wednesday, November 4; Warwick, Wednesday, November 11. Western (Pollock, B.)—Bristol, Monday, October 26; Exeter and City, Saturday, October 31; Winchester, Saturday, November 7. Oxford (Field, J.)—Oxford, Saturday, October 24; Gloucester, Saturday, October 31; Stafford, Monday, November 9. North and South Wales (Manisty, J.)—Chester and City, Monday, October 26; Swansea, Monday, November 2. North-Eastern (Hawkins, J.)—Newcastle and Town, Thursday, October 29; Durham, Monday, November 2; York and City, Friday, November 6. South-Eastern (Stephen, J.)—Maidstone, Saturday, October 24; Chelmsford, Saturday, October 31; Cambridge, Thursday, November 5; Norwich and City, Monday, November 9. Northern (Mathew and Wills, JJ.)—Carlisle, Tuesday, October 27; Manchester, Friday, October 30; Liverpool, Wednesday, November 11.

Civil business will be taken only at Manchester, Liverpool, and York.

COMPANIES.

WINDING-UP NOTICES.

Joint Stock Companies.

Limited in Chancery.

Bristol Joint Stock Bank, Limited.—Petition for winding up, presented Oct 5, directed to be heard before Bacon, V.C., on Saturday, Oct 31. Meredith and Co, New sq, agents for Plummer and Parry, Bristol, solicitors for the petitioners

Hygienic Heating and Lighting Company, Limited.—By an order made by Mathew, J., dated Sept 30, it was ordered that the company be wound up. King, South pl, Finsbury circus, petitioner in person

Lancashire Steam Company, Limited.—Petition for winding up, presented Oct 6, directed to be heard before Pearson, J., on Oct 31. Taylor and Co, Gt James st, agents for Burton and Scorer, Lincoln, solicitors for the petitioners

Metropolitan Mills, Limited.—Kay, J., has, by an order dated Aug 10, appointed Frederic George Painter, 2, Moorgate st bldgs, to be official liquidator. Creditors are required, on or before Oct 26, to send their names and address es, and the particulars of their debts or claims, to the above. Monday, Nov 16 at 12, is appointed for hearing and adjudicating upon the debts and claims [*Gazette*, Oct. 9.]

Bristol Joint Stock Bank, Limited.—Petition for winding up, presented Oct 9, directed to be heard before Bacon, V.C., on Oct 31. Burn and Berridge, Pancras lane, agents for Trapnell, Bristol, solicitor for the petitioner

Callao Bis Gold Mining Company, Limited.—By an order made by Mathew, J., dated Sept 22, it was ordered that the voluntary winding up of the company be continued. Slade and Munk, Clement's lane, solicitors for the petitioners

Union Loan and Discount Company, Limited.—By an order made by Mathew, J., dated Oct 1, it was ordered that the company be wound up. Gregory and Co, Bedford row, solicitors for the petitioners

Union Plate Glass Insurance Company, Limited.—By an order made by Mathew, J., dated Sept 22, it was ordered that the company be wound up. Thomas and Hick, Cannon st, solicitors for the petitioner [*Gazette*, Oct. 13.]

Unlimited in Chancery.

Bristol Port and Channel Dock Company.—Petition for winding up, presented Oct 6, directed to be heard before Mathew, J., on Wednesday, Oct 14. Clarke and Co, Lincoln's inn fields, agents for Fussell and Co, Bristol, solicitors for the petitioner [*Gazette*, Oct. 9.]

Bristol Port and Channel Dock Company.—Petition for winding up, presented Oct 10, directed to be heard before Chitty, J., on Oct 31. Webb and Co, Queen Victoria st, solicitors for the petitioners [*Gazette*, Oct 13.]

County Palatine of Lancaster.

Limited in Chancery.

Mersey Hardware Manufacturing Company, Limited.—Petition for winding up, presented Oct 8, directed to be heard before the Deputy of the Chancellor, at the Chancery Office, 9, Cook st, Liverpool, on Tuesday, Oct 20 at 10. Tyrer and Co, Liverpool, solicitors for the petitioners

Ormskirk and District Land and Building Company, Limited.—Petition for winding up, presented Oct 8, directed to be heard before the Deputy of the

Chancellor, at the Chancery Office, 9, Cook st, Liverpool, on Tuesday, Oct 20 at 10. Mather, Liverpool, solicitor for the petitioner
[*Gazette*, Oct. 9.]

STANNARIES OF CORNWALL.
UNLIMITED IN CHANCERY.

WHEAL JANE MINING COMPANY.—Petition for winding up, presented Oct 8, directed to be heard before the Vice Warden, at the Prince's Hall, Truro, on Oct 24, at 10.30. Archer, Truro, solicitor for the petitioners
[*Gazette*, Oct. 13.]

FRIENDLY SOCIETIES DISSOLVED.

COURT CHARITY, ANCIENT ORDER OF FORESTERS, Wellington Inn, Thornton, York Oct 6

GRAND JUNCTION LODGE, ORDER OF DRUIDS SOCIETY, Gem Vaults, Steelhouse lane, Birmingham. Oct 8

GOOD SAMARITAN FRIENDLY SOCIETY, Green Dragon Inn, Cadoxton juxta Neath, Glamorgan. Oct 8

INDEPENDENT ORDER OF THE GOOD SAMARITAN SOCIETY, Church School, Stanbury, York. Oct 6

LOYAL OLD ABBEY FRIENDLY SOCIETY, Abbey Schools, Spicer st, St Albans Oct 6

LOYAL TRANQUILLITY LODGE, I.O..O.F.M.U., White Lion Inn, Yorkshire st, Rochdale. Oct 9

ROYAL DENMARK UNITED SOCIETY, Red Lion, Buckland, Surrey. Oct 9
[*Gazette*, Oct. 13.]

CREDITORS' CLAIMS.

CREDITORS UNDER 22 & 23 VICT. CAP. 35.
LAST DAY OF CLAIM.

ATKINSON, HARRIET MARIA, Exmouth, Devon. Nov 20. Bowlings and Co, Essex st, Strand

BAINBRIDGE, WILLIAM, Strand. Nov 21. Peddell, Guildhall chambers, Basinghall st

BANGS, WILLIAM, Bow rd, Builder. Oct 31. Orton, Basinghall st

BENNINGTON, NATHANIEL, Melton, Suffolk, Gentleman. Nov 17. Welton, Woodbridge

BICKEL, RICHARD, Greenwich, Police Pensioner. Nov 8. Howard and Shelton, Threadneedle st

BRIMFIELD, SARAH, Seymour pl, St Marylebone. Nov 16. Pownall and Co, Staple inn

BROWN, EDMUND WILLIAM, Burnham, Bucks, Brewer. Dec 1. Charsley, Beaconsfield

CAMERON, JOHN, Kennington Park rd, Surrey, Physician. Oct 28. Dalzell, Clement's inn, Strand

CLARKE, ROBERT, Maze Hill, Greenwich, Esq. Nov 5. Grover and Humphreys, King's Bench walk, Temple

CONROY, JOHN, Malton, York, Gent. Nov 28. Watts and Kitching, Scarborough

CROFF, EMMA, Trelawne, Parchmore rd, Thornton Heath. Nov 9. Smith, Charles st, St James'

ELLIS, WILLIAM, Shipton under Wychwood, Oxford, Farmer. Dec 9. Kilby and Mace, Chipping Norton

GAMAN, GEORGE, Blackfriars rd, Newsvendor. Nov 21. Soames and Co, Lincoln's inn fields

GIBBONS, FREDERICK JOSEPH, Ipswich, Miller. Dec 24. Jackman and Co, Ipswich

GRIMALDI, ALFRED, Seven Sisters' rd, Meat Salesman. Dec 1. Samuel Price and Son, Walbrook

HALES, WILLIAM BARKER, Duncombe rd, Hornsey rise, out of business. Nov 20. Godwin and Son, Wool Exchange, Coleman st

HEDLEY, ALFRED WILLIAM, Sunderland, Plumber. Nov 23. Graham and Shepherd, Sunderland

MACKAY, ELIZA LUCY, St Leonards on Sea. Nov 21. Phillips and Cheesman, Hastings

MONTGOMERY, FRANCIS OCTAVIUS, Pall Mall, Major. Nov 16. Lawrence and Co, New sq, Lincoln's inn

MORETON, JOHN, Bushbury, Stafford, Esq. Nov 30. Dent and Co, Wolverhampton

MOULLIN, HILARY ROUGIER, Bisherne, Liss, Hants. Nov 16. Moor, Lincoln's inn fields

OVERBURY, EDWARD NOEL, Salem, East Indies. Jan 1. Ashurst and Co, Old Jewry

PALK, Rev WILMOT HENRY, Ashcombe, Devon, Clerk. Nov 10. Drake, Exeter

PEACOCK, SIMPSON, Scarborough, York, Gent. Nov 28. Watts and Kitching, Scarborough

RINGMORE, GEORGE, St George st, Plumstead, Kent. Nov 19. Stone and Co, Finsbury circus

ROCHFORT, JOHN DOWNES, Eaton pl, Esq. Nov 30. Tathams and Pym, Frederick's pl, Old Jewry

RYMER, THOMAS HENRY, Pyriand rd, Highbury New Park, Accountant. Dec 1. Clarke, Austin Friars

STRETCH, JOHN, Tabernacle row, St Luke, Gent. Nov 30. Parkes, Queen Victoria st

WALKER, GEORGE, Bryn Maelgwyn, Llanrhos, Carnarvonshire, Merchant. Nov 23. Brett and Barclay, Manchester

WHITTAKER, JAMES, Heaton, Lancaster, Cotton Spinner. Nov 2. Richardson, Bolton
[*Gazette*, Oct. 9.]

APSEY, ELIZABETH MARY, Croydon rd, Penge. Nov 20. Monckton and Co, Lincoln's inn fields

ASHTALL, THOMAS, Ashton in Makerfield, Lancaster, Farmer. Nov 20. Peace and Ellis, Wigan

BARNETT, WILLIAM FRANCIS, Northallerton, York, Tailor. Oct 24. Jefferson, Northallerton

BUCKLAND, BENJAMIN, Misterton, Somerset, Baker. Nov 10. Sparks and Blake, Crewkerne

CALVERT, MARY, Altrincham, Chester, Yarn Dealer. Nov 14. Sutton and Elliot, Manchester

CATTERALL, CHARLES, Preston, Lancaster, Cotton Spinner. Dec 5. Catterall, Preston

CORNAH, JOHN, Wigan, Lancaster, Retired Publican. Nov 2. Peace and Ellis, Wigan

DEWAR, LEONARD SYDNEY, Eastbourne. Nov 9. Tunnell and Co, King's Bench walk, Temple

IDDALL, BENJAMIN, Tyrwhitt rd, Deptford, Esq. Nov 9. Lewis and Sons, Wellington st

EVANS, WILLIAM, Liverpool, Accountant. Nov 23. Lloyd and Roberts, Ruthin

FRANCE, JOHN, Black park, nr Whitchurch, Salop, Farmer. Nov 20. Brooke, Bentworth

LEVETT, THEOPHILUS, Colebrooke, Bovey Tracey, Devon, Esq. Nov 30. Hinckley and Hopkins, Lichfield

LLOYD, JOHN, Tenby, Pembroke, Retired Master Tailor. Oct 24. Lock, Tenby

MACKAY, ELIZA LUCY, St Leonard's on Sea. Nov 21. Phillips and Cheeseman, Hastings

MARTIN, WILLIAM, Broadstairs, Isle of Thanet, Kent, Farmer. Dec 1. Whittington and Co, Bishopsgate st Without

PALMER, PHILIP, St Martin's lane, Glass Merchant. Nov 20. Monckton and Co, Lincoln's inn fields

PEAK, ROBERT, Bolton, Lancaster, Beerseller. Nov 12. Balshaw, Bolton

POWIS, MARGARET, Ashford, Carbonel, Salop. Jan 1. Pratt, Kington

ROBINSON, EMMA SOPHIA, Brighton. Nov 7. Farrar and Farrar, Wardrobe pl, Doctors' commons

ROYDS, WILLIAM EDWARDS, Rochdale, Lancaster, Banker. Dec 21. Stott and Co, Rochdale

RYMER, THOMAS HENRY, Mexico, Accountant. Dec 1. Clarke, Austin Friars

SAVILL, THOMAS, Adelaide villas, Hornsey, Gent. Nov 17. Wynne and Son, Lincoln's inn fields

SILLS, SAMUEL, Nottingham, Paper Manufacturer. Nov 3. Lees, Nottingham

SOANE, WILLIAM, Oxford st, Assistant. Nov 12. Weightman, Guildhall chbrs, Basinghall st

TURNER, ISAAC, Halliwell, nr Bolton, Clogger. Nov 12. Balshaw, Bolton

UDALL, GAIUS, Lower Richmond rd, Putney, Firewood Merchant. Nov 9. Robinson and Hilder, Jermyn st, St James's

WARWICK, JOHN, Boston, Lincolnshire, Furniture Dealer. Oct 26. Rice and Co, Boston

WEBB, BROWNE, Blackfriars rd, Cheesemonger. Nov 30. Vincent and Wayman, Haverhill

WESSEL, CHRISTIAN RUDOLPH, Eastborne, Sussex, Gent. Oct 31. Palmer and Bull, Bedford row

WHEELER, WILLIAM HENRY, Queen Anne's gate, Butler. Nov 9. Guscotte and Fowler, York bldgs, Adelphi

WILLIAMS, JOHN, King's Heath, Worcester, Gent. Nov 24. Cotterell and Son, Birmingham

WOODHEAD, CHARLES HENRY, Sheffield, Cutlery Manufacturer. Dec 21. Broomhead and Co, Sheffield

WOODHEAD, GEORGE, Sheffield, Cutlery Manufacturer. Dec 21. Broomhead and Co, Sheffield

WOOLLEY, EMMA, Hove, Sussex. Nov 20. Hollams and Co, Mincing lane

WOOLLEY, HANNAH, Scarborough, York. Nov 1. Holden and Co, Kingston upon Hull

WRIGHT, WILLIAM ARTHUR, Newmarket, Suffolk, Printer. Oct 31. Fenn and Co, Newmarket
[*Gazette*, Oct. 13.]

SALES OF ENSUING WEEK.

Oct. 21.—Messrs. FAREBROTHER, ELLIS, CLARK, & Co., at the Mart, at 2 p.m. Freehold Estates (see advertisement, Oct. 3, p. 4).

LONDON GAZETTES.

THE BANKRUPTCY ACT, 1883.
FRIDAY, Oct. 9, 1885.
RECEIVING ORDERS.

Acton, Robert, Liverpool, Provision Dealer. Liverpool. Pet Oct 7. Ord Oct 7. Exam Oct 19 at 12 at Court house, Government buildings, Victoria st, Liverpool

Bird, William Dawson, High st, St John's Wood, Hosier. High Court. Pet Oct 6. Ord Oct 7. Exam Nov 18 at 11 at 34, Lincoln's inn fields

Bindley, Robert, Tamworth, Staffordshire, Auctioneer. Birmingham. Pet Oct 5. Ord Oct 5. Exam Nov 4 at 2

Chapman, Harry, and Stanley Garrett Dunn, Liverpool, Drapers. Liverpool. Pet Sept 22. Ord Oct 6. Exam Oct 19 at 12 at Court house, Government bldgs, Victoria st, Liverpool

Clampett, Theodore John, Walsall, Grocer. Walsall. Pet Oct 6. Ord Oct 6. Exam Oct 26 at 12

Cooper, William David, Sheffield, Musical Instrument Dealer. Sheffield. Pet Oct 7. Ord Oct 7. Exam Oct 29 at 11.30

Corless, William John, Chorlton upon Medlock, Aerated Water Manufacturer. Manchester. Pet Oct 6. Ord Oct 6. Exam Oct 30 at 11

Durnford, William, Halifax, Solicitor. Halifax. Pet Sept 24. Ord Oct 5. Exam Oct 29

Dyer, Isaac Thomas, Bristol, Innkeeper. Bristol. Pet Oct 3. Ord Oct 6. Exam Oct 20 at 12 at Guildhall, Bristol

Gates and Co, Jewin st, Woollen Merchants. High Court. Pet Sept 22. Ord Oct 7. Exam Nov 13 at 11 at 34, Lincoln's inn fields

Getley, Thomas, Tranmere, Joiner. Birkenhead. Pet Oct 6. Ord Oct 6. Exam Oct 19

Gilligan, Charles, Pontefract, Innkeeper. Wakefield. Pet Oct 6. Ord Oct 6. Exam Oct 22

Green, Edward Unsworth, Salters' Hall ct, Cannon st, Wine Merchant. High Court. Pet Sept 17. Ord Oct 7. Exam Nov 20 at 11 at 34, Lincoln's inn fields

Gregory, George Arthur, and Thomas Wyatt, Swansea, Jewellers. Swansea. Pet Oct 5. Ord Oct 5. Exam Oct 15

Hamilton, William Cowey, Chester le Street, Mineral Water Manufacturer. Durham. Pet Oct 5. Ord Oct 5. Exam Oct 27 at 2.30

Hardy, Elizabeth, Gosforth, Northumberland, Widow. Newcastle on Tyne. Pet Oct 7. Ord Oct 7. Exam Oct 20

Harrison, Benjamin, Mirfield, Yorks, Licensed Victualler. Dewsbury. Pet Oct 6. Ord Oct 6. Exam Oct 27

Harrison, Frederick, Manchester, Lithographic Printer. Manchester. Pet Sept 22. Ord Oct 6. Exam Oct 30 at 11

Hinings, John, Stanningley, Yorks, Draper, Bradford. Pet Oct 6. Ord Oct 6. Exam Oct 23

Hopkins, Henry, Stanground, Huntingdonshire, Miller. Peterborough. Pet Oct 6. Ord Oct 6. Exam Oct 27 at 12

Knott, John Henry, Golborne, Lancashire, Grocer. Bolton. Pet Oct 6. Ord Oct 6. Exam Oct 26

Lewis, David, Ogmore Vale, Glamorganshire, Grocer. Cardiff. Pet Oct 5. Ord Oct 5. Exam Nov 5 at 2

Lewis, William, Sandbach, Cheshire, Engineer. Macclesfield. Pet Oct 7. Ord Oct 7. Exam Oct 27 at 10.30

Lilley, Samuel, Skegness, Lincolnshire, Stonemason. Boston. Pet Oct 5. Ord Oct 7. Exam Nov 5 at 2.30

Mears, George, High st, Wandsworth, House Decorator. Wandsworth. Pet Oct 6. Ord Oct 6. Exam Nov 12

Mills, John, Rochdale, Lancashire, Joiner. Oldham. Pet Oct 7. Ord Oct 7. Exam Nov 10 at 11

Pay, Edwin Frederick, Cranham rd, Rotherhithe, Grocer. High Court. Pet Oct 7. Ord Oct 7. Exam Nov 19 at 11 at 34, Lincoln's inn fields

Plumbe, Edward, Wigginton, Oxfordshire, Blacksmith. Banbury. Pet Oct 5. Ord Oct 5. Exam Nov 13

Read, Charles, High st, Putney, Bootmaker. Wandsworth. Pet Aug 20. Ord Oct 6. Exam Nov 5

Sander, William, Carlisle, Labourer. Carlisle. Pet Oct 7. Ord Oct 7. Exam Oct 21 at 11 at the Courthouse, Carlisle

Slowan, Mary Ann, Manchester, Bookseller. Manchester. Pet Oct 6. Ord Oct 7. Exam Oct 30 at 11

Smedley, John Arthur, Ilkeston, Derbyshire, Grocer. Derby. Pet Oct 5. Ord Oct 5. Exam Oct 24
Smith, Joseph, Weymouth, Dorset, Chemist. Dorchester. Pet Oct 7. Ord Oct 7. Exam Oct 22 at 12.30 at County hall, Dorchester
Thomas, William, Bridgend, Glamorganshire, Timber Merchant. Cardiff. Pet Oct 3. Ord Oct 3. Exam Nov 5 at 2
Toby, Thomas, Exmouth, Devonshire, Baker. Exeter. Pet Oct 6. Ord Oct 6, Exam Nov 19 at 11
Townshend, Robert, New Swindon, Fancy Dealer. Swindon. Pet Oct 7. Ord Oct 7. Exam Dec 9 at 2
Way, James, Taunton, Grocer. Trunton. Pet Oct 1. Ord Oct 7. Exam Oct 23 at 4 at Guildhall, Taunton
Weston, George, Liverpool rd, Islington, Jobmaster. High Court. Pet Oct 6. Ord Oct 6. Exam Nov 17 at 11 at 34, Lincoln's inn fields

FIRST MEETINGS.

Ashcroft, Ellen, Tarleton, Lancashire, Widow. Oct 20 at 2.30. Official Receiver, 35, Victoria st, Liverpool
Berry, Charles, Carlton rd, Kentish Town, Furniture Broker. Oct 19 at 1. 33, Carey Lincoln's inn
Bindley, Robert, Tamworth, Staffordshire, Auctioneer. Oct 20 at 12. The Peel Hotel, Tamworth
Bunn, Charles Victor, Southtown, Suffolk, Commission Agent. Oct 17 at 12. Official Receiver, King st, Norwich
Burge, William James, Gainsborough, Lincolnshire, Draper. Oct 26 at 2.30. Central Sale Rooms, Bank st, Lincoln
Casey, Oscar James, Southsea, Architect. Oct 16 at 12. Official Receiver, Queen st, Portsea
Chappell, Frederick William, Bristol, Printer. Oct 19 at 12.30. Great Western Hotel, Paddington
Clampett, Theodore John, Walsall, Grocer. Oct 20 at 11.15. Official Receiver, Bridge st, Walsall
Clegg, Benjamin, York st, Covent Garden, Proprietor of Bicycle News. Oct 22 at 11. Bankruptcy bldgs, Portugal st, Lincoln's inn fields
Crankshaw, Thomas, Accrington, Lancashire, Tailor. Oct 16 at 3.30. Commercial Hotel, Blackburn rd, Accrington
Croome, Archibald, Lexham gardens, Kensington, Coffee Planter. Dec 11 at 11. 33, Carey st, Lincoln's inn
Deeming, Arthur, Coventry, Warwickshire, Tailor. Oct 16 at 12. Official Receiver, Hertford st, Coventry
Durnford, William, Halifax, Solicitor. Oct 17 at 11. Official Receiver, Townhall chbrs, Halifax
Edwards, Charles Francis, Swansea, Bookseller. Oct 20 at 12. Inns of Court Hotel, Holborn
Frost, Elizabeth Ann, Sheffield, Licensed Victualler. Oct 19 at 3. Official Receiver, Figtree lane, Sheffield
Garnon, Thomas Edward, Upper St Martin's lane, Licensed Victualler. Oct 22 at 12. Bankruptcy bldgs, Lincoln's inn fields
Godley, William, Wombwell, nr Barnsley, Shopkeeper. Oct 19 at 11.30. Official Receiver, Eastgate, Barnsley
Gregory, George Arthur, and Thomas Wyatt, Swansea, Jewellers. Oct 16 at 2. 6, Rutland st, Swansea
Griffiths, William Edwin, King st, Cheapside, Auctioneer. Oct 21 at 11. Bankruptcy bldgs, Portugal st, Lincoln's inn fields
Hackett, Thomas William, Leeds, Colliery Agent. Oct 19 at 3. Official Receiver, St Andrew's chbrs, 22, Park row, Leeds
Hardy, Elizabeth, Gosforth, Northumberland, Widow. Oct 20 at 2.30. Official Receiver, Pink lane, Newcastle on Tyne
Herring, Leonard, Birmingham, Hop Merchant. Oct 16 at 12. Bankruptcy bldgs, Portugal st, Lincoln's inn fields
Hinings, John, Stanningley, Yorks, Draper. Oct 19 at 11. Official Receiver, 31, Manor row, Bradford
Hopkins, Henry, Stanground, Huntingdonshire, Miller. Oct 19 at 12. County Court, Peterborough
Jackson, William R., King st, Hammersmith, Undertaker. Oct 21 at 11. 33, Carey st, Lincoln's inn
Jones, Jones, Llynfaes, nr Llangefni, Anglesey, Grocer. Oct 19 at 2. Official Receiver, Crypt chbrs, Chester
Kennedy, Anne Frances Elizabeth Hamilton, Bedford hill, Balham, Widow. Oct 16 at 2. Official Receiver, 109, Victoria st, Westminster
Knott, John Henry, Golborne, Lancashire, Grocer. Oct 19 at 3. 16, Wood st, Belton
Mills, John, Rochdale, Lancashire, Joiner. Oct 21 at 3. Townhall, Rochdale
Morris, George James, Tonypandy, Glam, General Dealer. Oct 17 at 12. Official Receiver, Merthyr Tydfil
Noble, Charles Crawford, Edith rd, West Kensington, Gentleman. Oct 22 at 11. Bankruptcy bldgs, Portugal st, Lincoln's inn fields
Powley, James Allan, Great Yarmouth, Earthenware Dealer. Oct 17 at 1. Official Receiver, 8, King st, Norwich
Sander, William, Carlisle, Labourer. Oct 21 at 12. Official Receiver, 34, Fisher st, Carlisle
Small, Charles James, Baker st, Portman sq, Photographer. Oct 21 at 11. Bankruptcy bldgs, Portugal st, Lincoln's inn fields
Smedley, John Arthur, Ilkeston, Derbyshire, Grocer. Oct 16 at 3. Official Receiver, St James's chbrs, Derby
Snooke, James, Portsea, Hants, Grocer. Oct 19 at 11. Official Receiver, 166, Queen st, Portsea
Toby, Thomas, Exmouth, Devon, Baker. Oct 20 at 11. Official Receiver, 13, Bedford circus, Exeter
Way, James, Taunton, Grocer. Oct 19 at 12.15. The George and Railway Hotel, Victoria st, Bristol
Webb, James, Walsall, Manufacturer of Fancy Leather Goods. Oct 21 at 11.15. Official Receiver, Bridge st, Walsall

ADJUDICATIONS.

Bell, James, Newcastle on Tyne, Tailor. Newcastle on Tyne. Pet Sept 21. Ord Oct 6
Bennett, John Richard, Newcastle on Tyne, Ironmonger. Newcastle on Tyne. Pet Sept 23. Ord Oct 7
Bindley, Robert, Tamworth, Staffordshire, Auctioneer. Birmingham. Pet Oct 5. Ord Oct 7
Bird, William Dawson, High st, St John's Wood, Hosier. High Court. Pet Oct 6. Ord Oct 7
Chapman, Harry, and Stanley Garrett Dunn, Liverpool, Drapers. Liverpool. Pet Sept 22. Ord Oct 7
Clampett, Theodore John, Grocer, Walsall. Pet Oct 6. Ord Oct 6
Cockburn, Edward, Nottingham, Colliery Agent. Nottingham. Pet Sept 18. Ord Oct 3
Dicks, Jane, Blackburn, Lancashire, Draper. Blackburn. Pet Sept 7. Ord Oct 7
Eden, James Henry, Hulme, Cheshire, Farmer. Stockport. Pet Sept 12. Ord Sept 28
Franks, Henry, Pentre, Glamorganshire, Shoemaker. Pontypridd. Pet Oct 1. Ord Oct 5
Getley, Thomas, Tranmere, Joiner. Birkenhead. Pet Oct 6. Ord Oct 7
Gilligan, Charles, Pontefract, Innkeeper, Wakefield. Pet Oct 6. Ord Oct 6
Halsey, Claude Carter, Mark lane, Engineer. High Court. Pet June 27. Ord Oct 5
Hanmer, Watson, Southport, Lancashire, Cotton Broker. Manchester. Pet Sept 12. Ord Oct 5
Hill, William, Gamlingay, Cambridgeshire, Gardener Bedford. Pet Sept 29. Ord Sept 29
Hinings, John, Stanningley, Yorks, Draper. Bradford. Pet Oct 6. Ord Oct 6
Jackson, Henry Threlwall, West India Dock rd, Shipchandler. High Court. Pet Aug 25. Ord Oct 7
Knott, John Henry, Golborne, Lancashire, Grocer. Bolton. Pet Oct 6. Ord Oct 7
Lilley, Samuel, Skegness, Lincolnshire, Stonemason. Boston. Pet Oct 5. Ord Oct 7
Mayes, Jonas, Bedford, Saddler. Bedford. Pet Sept 15. Ord Oct 5
Mills, John, Rochdale, Lancashire, Joiner. Oldham. Pet Oct 7. Ord Oct 7
Moore, Thomas Edward, Kingston upon Hull, Saddler. Kingston upon Hull. Pet Oct 1. Ord Oct 5
Morris, George James, Tonypandy, Glamorganshire, General Dealer. Pontypridd. Pet Oct 3. Ord Oct 6
Newman, Thomas, Chalford, Gloucestershire, Corn Dealer. Gloucester. Pet Sept 3. Ord Oct 5
Parkin, Mary Anne, Sheffield, Widow. Sheffield. Pet Sept 19. Ord Oct 7
Payne, Edwin Frederick, Cranham rd, Rotherhithe, Grocer. High Court. Pet Oct 7. Ord Oct 7
Pearce, Mary Ellen, Sheffield, Confectioner. Sheffield. Pet Sept 23. Ord Oct 7
Reeve, Richard, London Wall, Jeweller. High Court. Pet Sept 7. Ord Oct 6
Smedley, John Arthur, Ilkeston, Derbyshire, Grocer. Derby. Pet Oct 5. Ord Oct 7
Stapleton, John Joseph, Worthing, Bootmaker. Brighton. Pet Sept 18. Ord Oct 5
Stokes, William, Sheffield, Metal Broker. Sheffield. Pet Sept 15. Ord Oct 7
Stubbs, William, Filey, Yorks, Farmer. Scarborough. Pet Sept 8. Ord Oct 6
Toby, Thomas, Exmouth, Devon, Baker. Exeter. Pet Oct 6. Ord Oct 6
Watt, Henry Brignal, Hartlepool, Innkeeper. Sunderland. Pet Sept 21. Ord Oct 7
Weston, George, Liverpool rd, Islington, Jobmaster. High Court. Pet Oct 6. Ord Oct 7
Whitaker, Benjamin, Burnley, Lancashire, Jeweller. Burnley. Pet Sept 19. Ord Oct 5
Wilkinson, Henry, Shipley, Yorks, Coal Merchant. Bradford. Pet Oct 1. Ord Oct 6

TUESDAY, Oct. 13, 1885.

RECEIVING ORDERS.

Booker, William Gerring, Inglesham, Wilts, Farmer. Swindon. Pet Sept 30. Ord Oct 9. Exam Dec 9 at 2
Bray, Henry Malthus, Shere, Surrey, Solicitor. Guildford. Pet Aug 24. Ord
Calman, Albert, Aldersgate st, Furrier. High Court. Pet Oct 7. Ord Oct 8. Oct 10. Exam Nov 26 at 1 at Public Hall, Godalming
Exam Nov 18 at 11 at 34, Lincoln's inn fields
Coe, George Henry, Sheffield, Cutlery Manufacturer's Manager. Sheffield. Pet Oct 8. Ord Oct 8. Exam Oct 29 at 11.30
Crocker, Henry, Halwell, Devon, Innkeeper. Barnstaple. Pet Oct 7. Ord Oct 7. Exam Oct 22 at 2.30 at Bridge Hall, Barnstaple
Eley, George, Blucher st, Barnsley, Late Shopkeeper. Barnsley. Pet Oct 7. Ord Oct, 8. Exam Nov 12 at 11.30
Evans, Daniel, Resolven, nr Neath, General Dealer. Neath. Pet Oct 5. Ord Oct 10. Exam Oct 23 at 10.30 at Townhall, Neath
Field, Edward Bernard, Wolverhampton, Glazier. Wolverhampton. Pet Oct 10. Ord Oct 10. Exam Nov 9
Goldenson, Emanuel, Cardiff, Furniture Dealer. Cardiff. Pet Oct 6. Ord Oct 6. Exam Nov 5 at 2
Harvey, Thomas, Bristol, Posting Master. Bristol. Pet Oct 8. Ord Oct 9. Exam Oct 30 at 12 at Guildhall, Bristol
Holliday, Williams, and Co, Finsbury circus, Merchants. High Court. Pet Sept 11. Ord Oct 10. Exam Nov 20 at 11 at 34, Lincoln's inn fields
Howland, William, Syminge, Kent, Farmer. Canterbury. Pet Oct 10. Ord Oct 10. Exam Oct 30
Illingworth, Thomas, Didsbury, Lancashire, Joiner. Stockport. Pet Oct 9. Ord Oct 9. Exam Nov 5 at 11
Jeffrey, John George, Macclesfield, Tailor. Macclesfield. Pet Oct 8. Ord Oct 8. Exam Oct 27 at 11
King, Thomas Dummer, St Helen's, Isle of Wight, Grocer. Newport and Ryde. Pet Oct 7. Ord Oct 8. Exam Nov 4
Kerry, Edward, Cambridge, Boot Dealer. Cambridge. Pet Oct 14. Ord Oct 10. Exam Oct 28 at 2
Licence, John Edward, Dover, Pianoforte Seller. Canterbury. Pet Oct 10. Ord Oct 10. Exam Oct 30
Machin, Joseph, Knotty Ash, Lancashire, Licensed Victualler. Liverpool. Pet Oct 8. Ord Oct 8. Exam Oct 22 at 11 at Court house, Government bldgs, Victoria st, Liverpool
McLeod, John, Castle Morton, Worcestershire, Grocer. Worcester. Pet Oct 9. Ord Oct 9. Exam Oct 23 at 11.15
Moore, Henry James, Cottenham, Cambridgeshire, Farmer. Cambridge. Pet Oct 10. Ord Oct 10. Exam Oct 28 at 2
Moody, William, Brighton, Tailor. Brighton. Pet Oct 10. Ord Oct 10. Exam Oct 29 at 12
Pattinson, Robert Henry, Hexham, Northumberland, Wine Merchant. Newcastle on Tyne. Pet Oct 8. Ord Oct 8. Exam Oct 22
Peduzzi, James, Manchester, Undertaker. Manchester. Pet Oct 9. Ord Oct 9. Exam Oct 30 at 11
Phillips, Charles, Nolton, Pembrokeshire, Farmer. Pembroke Dock. Pet Sept 8. Ord Oct 7. Exam Oct 19 at 12 at Temperance Hall, Pembroke Dock
Philpott, James, Exeter, Organ Builder. Exeter. Pet Oct 8. Ord Oct 8. Exam Nov 19 at 11
Roberts, Josiah, Westbromwich, Staffordshire, Licensed Victualler. Oldbury. Pet Oct 5. Ord Oct 5. Exam Oct 22
Saunders, George Ormond, Long Acre, Gentleman. High Court. Pet Aug 10. Exam Oct 8. Exam Nov 10 at 11.30 at 34, Lincoln's inn fields
Smith, John, Sheffield rd, Barnsley, Clogger. Barnsley. Pet Oct 8. Ord Oct 10. Exam Nov 12 at 11.30
Thorpe, Josiah, Tunbridge Wells, Carpenter. Tunbridge Wells. Pet Oct 7. Ord Oct 8. Exam Nov 5 at 2
Tucker, John Henry, Lowestoft, Suffolk, Smack Master. Gt Yarmouth. Pet Oct 10. Ord Oct 10. Exam Oct 26 at 2.30 at Townhall, Gt Yarmouth
Wilkinson, William Thomas, Plymouth, Tool Merchant. East Stonehouse. Pet Oct 10. Ord Oct 10. Exam Nov 3 at 12
Williams, John, Neath, Glamorganshire, Licensed Victualler. Neath. Pet Oct 10. Ord Oct 10. Exam Oct 23 at 11.30 at Townhall, Neath
Wray, George, Ripon, Yorks, Corn Dealer. Northallerton. Pet Oct 8. Ord Oct 8. Exam Oct 26 at 11.30 at Court house, Northallerton

FIRST MEETINGS.

Browne, Edward, Loader st, Old Kent rd, Licensed Victualler. Oct 23 at 11. 33, Carey st, Lincoln's inn
Chapman, Harry, and Stanley Garrett Dunn, Liverpool, Drapers. Oct 21 at 3. Official Receiver, 35, Victoria st, Liverpool
Clayton, William, jun, Much Wenlock, Salop, Grocer. Oct 21 at 12.30. Law Society's Rooms, Talbot chbrs, Shrewsbury
Corless, William John, Chorlton upon Medlock, Manchester, Aerated Water Manufacturer. Oct 20 at 3. Official Receiver, Ogden's chambers, Bridge st, Manchester
Cracknell, John, Gipsy hill, Upper Norwood, Grocer. Oct 21 at 12. Bankruptcy bldgs, Portugal st, Lincoln's inn fields
Crocker, Henry, Halwill, Devon, Innkeeper. Oct 20 at 10.15. The Red Lion Hotel, Okehampton
Dunkley, Joseph, Birmingham, out of business. Oct 21 at 12. 33, Carey street, Lincoln's inn

Dyer, Isaac Thomas, Bristol, Innkeeper. Oct 20 at 12.30. Official Receiver, Bank chmbrs, Bristol
Field, Edward Bernard, Wolverhampton, Glazier. Oct 24 at 11. Official Receiver, St. Peter's close, Wolverhampton
Getley, Thomas, Tranmere, Cheshire, Joiner. Oct 21 at 1. Official Receiver, 48, Hamilton sq, Birkenhead
Gilligan, Charles, Pontefract, Yorks, Innkeeper. Oct 20 at 10.15. Red Lion Hotel, Pontefract
Harrison, Benjamin, Mirfield, Yorks, Licensed Victualler. Oct 20 at 3. Official Receiver, Bank chmbrs, Batley
Harrison, Frederick, Manchester, Lithographic Printer. Oct 30 at 3.30. Official Receiver, Ogden's chmbrs, Bridge st, Manchester
Harvey, Thomas, Bristol, Posting Master. Oct 23 at 12.30. Official Receiver, Bank chmbrs, Bristol
Hawes, Joseph Robert, Southtown, Suffolk, Nurseryman. Oct 24 at 12. H P Gould, 8, King st, Norwich
Illingworth, Thomas, Didsbury, Lancashire, Joiner. Oct 22 at 2.30. Official Receiver, County chmbrs, Market pl, Stockport
Jeffrey, John George, Macclesfield, Tailor. Oct 22 at 12.30. Official Receiver, County chmbrs, Market pl, Stockport
Kerry, Edward, Cambridge, Boot Dealer. Oct 23 at 12. Official Receiver, 5, Petty Cury, Cambridge
King, Thomas Dummer, St. Helen's, Isle of Wight, Grocer. Oct 20 at 11.30. Crown Hotel, Ryde, Isle of Wight
Lewis, David, Ogmore Vale, Glamorganshire, Grocer. Oct 22 at 11. Official Receiver, 3, Crockherbtown, Cardiff
Lewis, William, Sandbach, Cheshire, Engineer. Oct 20 at 12.30. Royal Hotel, Hotel, Crewe
Licence, John Edward, Dover, Pianoforte Seller. Oct 24 at 11.30. 33, Carey st, Lincoln's inn
Mackillop, Alexander, and John Henry Cryer, Liverpool, Coal Merchants. Oct 21 at 2. Official Receiver, 35, Victoria st, Liverpool
Marshall, Robert, Great Grimsby, Farmer. Oct 21 at 2.30. Official Receiver, 3, Haven st, Great Grimsby
McLeod, John, Castle Morton, Worcestershire, Grocer. Oct 23 at 11. Official Receiver, Worcester
Moore, Henry James, Cottenham, Cambridgeshire, Farmer. Oct 23 at 3. Official Receiver, 5, Petty Cury, Cambridge
Pattinson, Robert Henry, Hexham, Northumberland, Wine Merchant. Oct 22 at 2.30. Official Receiver, Pink lane, Newcastle on Tyne
Peduzzi, James, Manchester, Undertaker. Oct 30 at 3.45. Official Receiver, Ogden's chbrs, Bridge st, Manchester
Philpott, James, Exeter, Organ Builder. Oct 22 at 11. Castle of Exeter at Exeter
Roberts, Josiah, West Bromwich, Staffordshire, Licensed Victualler. Oct 22 at 10.30. Court House, Oldbury
Sloman, Mary Ann, Manchester, Bookseller. Oct 21 at 2.30. Official Receiver, Ogden's chbrs, Bridge st, Manchester
Smith, Joseph, Weymouth, Chemist. Oct 21 at 1.15. Official Receiver, Salisbury
Thorpe, Josiah, Tunbridge Wells, Carpenter. Oct 23 at 2.30. Spencer and Reeve, Mount Pleasant, Tunbridge Wells

ADJUDICATIONS.

Baxter, William, Hartlepool, Fish Salesman. Sunderland. Pet Aug 15. Ord Oct 10
Browne, Edward, Loader st, Old Kent rd, Licensed Victualler. High Court. Pet Oct 3. Ord Oct 8
Chubb, John, Melcombe Regis, Dorset, Tailor. Dorchester. Pet Sept 28. Ord Oct 9
Clarkson, Edwin, East Boldon, Grease Manufacturer. Sunderland. Pet Aug 14. Ord Oct 10
Coe, George Henry, Sheffield, Cutlery Manufacturer's Manager. Sheffield. Pet Oct 8. Ord Oct 8
Corless, William John, Choriton on Medlock, Aerated Water Manufacturer. Manchester. Pet Oct 6. Ord Oct 8
Elliott, Hartley, Nelson, Lancashire, Chair Manufacturer. Burnley. Pet July 7. Ord Oct 8
Ellis, Joseph Bowman, Kingston on Hull, Joiner. Kingston on Hull. Pet Sep 30. Ord Oct 9
Goldenson, Emanuel, Cardiff, Furniture Dealer. Cardiff. Pet Oct 6. Ord Oct 8
Good, James Robert, Wingate Grange Colliery, Durham, Grocer. Durham. Pet Aug 28. Ord Oct 3
Gowland, William, Hartlepool, Durham, Painter. Sunderland. Pet July 25. Ord Oct 9
Harrison, Benjamin, Mirfield, Yorkshire, Licensed Victualler. Dewsbury. Pet Oct 6. Ord Oct 8
Harrison, Frederick, Manchester, Lithographic Printer. Manchester. Pet Sept 22. Ord Oct 8
Hatchard, Charles, Lymington, Hants, Baker. Southampton. Pet Sept 11. Ord Oct 9
Illingworth, Thomas, Didsbury, Lancashire, Joiner. Stockport. Pet Oct 9. Ord Oct 9
Lewis, David, Ogmore Vale, Glamorganshire, Grocer. Cardiff. Pet Oct 5. Ord Oct 9
Machin, Joseph, Knotty Ash, Lancashire, Licensed Victualler. Liverpool. Pet Oct 8. Ord Oct 8
Mailliard, John Francois Louis, Bolton rd, Notting Hill, no occupation. High Court. Pet Oct 1. Ord Oct 9
Peduzzi, James, Manchester, Undertaker. Manchester. Pet Oct 9. Ord Oct 9
Roberts, Josiah, West Bromwich, Staffordshire, Licensed Victualler. Oldbury. Pet Oct 5. Ord Oct 9
Sander, William, Carlisle, Labourer. Carlisle. Pet Oct 7. Ord Oct 8
Smith, Robert, Ware, Hertfordshire, Corn Merchant. Hertford. Pet Sept 21 Ord Oct 10
Stephenson, John, and William Jeffery, Newcastle on Tyne, Builders. Newcastle on Tyne. Pet Sept 25. Ord Oct 10
Tucker, George, Plymouth, Organ Builder. East Stonehouse. Pet Sept 2. Ord Oct 10
Turkington, George Henry, Bradford, Yorks, Licensed Victualler. Bradford. Pet Aug 13. Ord Oct 10
Tucker, John Henry, Lowestoft, Suffolk, Smack Master. Great Yarmouth. Pet Oct 10. Ord Oct 10
Wray, George, Ripon, Yorkshire, Corn Dealer. Northallerton. Pet Oct 8. Ord Oct 8

The Subscription to the SOLICITORS' JOURNAL *is—Town, 26s.; Country, 28s.; with the* WEEKLY REPORTER, *52s. Payment in advance includes Double Numbers and Postage. Subscribers can have their Volumes bound at the office—cloth, 2s. 6d., half law calf, 5s. 6d.*

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